

Moses and Aaron. 2:6

**CIVIL AND  
ECCLESIASTICAL  
RITES, USED BY THE  
ancient HEBREWS; observed, and  
at large opened, for the clearing of many  
obscure Texts thorowout the whole  
SCRIPTURE.**

Which Texts are now added in the end of the Book.

**HEREIN LIKEWISE IS  
SHEWED WHAT CUSTOMES THE  
HEBREWS borrowed from Heathen people:  
And that many Heathenish customes, originally  
have beene unwarrantable imitations  
of the HEBREWS.**

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*The fifth Edition.*

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*By Thomas Godwyn, B. D.*

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LONDON,

Printed by *Iohn Haviland*, in the Old Baily over against  
the Sessions House.

1634.



Notes and Annotations

# CIVIL AND

## ECCLASTICAL

### RITES USED BY THE

Anglican Church as observed, and

as large opened, for the clearing of many

objections that have been made

in the year 1711

Which Texts are now added in the end of the Book

### HISTORICAL

### SHEWED WHAT CUSTOMS THE

Church has borrowed from Heathen people

And that many Heathen customs, which

are now in use, are of Heathen origin

and have been used by the Church

in the year 1711

By Thomas Gough Esq.

LONDON

Printed by W. Wood, at the Angel in St. Dunstons Church-yard

in the year 1711

1711



TO  
**THE RIGHT HO-**  
**NOURABLE, WILLIAM**  
**Earle of Pembroke, Lo. Cham-**  
**berlaine of his Majesties Household, Lord**  
**Warden of the Stanneries, Knight of the most No-**  
**ble Order of the Garter, one of his Majesties**  
**most Honourable Privy Councell and**  
**Chauncellor of the famous Uni-**  
**versity of OXFORD,**

*All Grace and Happinesse.*

**Right Honourable:**

**T***Hat many have no better acquaint-*  
*tance with Christ and his Apo-*  
*stles, is because they are such*  
*strangers with Moses and Aa-*  
*ron: Were customes antiqua-*  
*ted & thorowly known, many difficulties in Scrip-*  
*ture would appeare elegancies, and the places*

## The Epistle Dedicatory.

which now (through obscuritie) dishearten the Reader, would then become sweet invitations to an unweari'd assiduitie in perusing those sacred Oracles. If my present labour shall give such light to some obscure passages, that thereby Gods people shall bee drawne on with the greater delight, to exercise themselves in reading of Holy writ, it shall not repent me of my tedious travell in these rites and customes of Generations long since past, which who so ever undertaketh, shall finde the way long and thorny, the path over-growne, and hardly discernable, the Guides few to direct, and those speaking in strange languages, and many apt to discourage him, because themselves are either lazie and will not, or lame and cannot walke the same way. But now (through Gods assistance) being come to the end of my journey, the discoveries made on the way, such as they are (and such some are, not as observed before) humbly crave your Lordships protection.

From Kensington,

Febr. 21. 1624.

Your Honours in all duty  
and service devoted,

THO. GODWYN.



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THE ARGUMENT OF EACH, &c.

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MOSES and AARON.  
THE FIRST BOOKE  
treateth of Persons.

CHAP. I.

*Of the forme of the Hebrewes Common-wealth untill  
Christ his comming, and when the Scepter  
departed from them.*

**T**He forme and state of government  
hath beene subject to change and  
variation amongst all Nations, but  
especially amongst the *Iewes*,  
where these changes are observa-  
ble.

At first, the *Fathers* of their severall Fami-  
lies, and their *First-borne* after them, exercised  
all kinde of government, both *Ecclesiasticall*,  
and *Civill*, being both *Kings* and *Priests*, in their  
owne houses. They had power over their owne  
Families, to blesse, curse, cast out of doores, dis-  
inherit, and to punish with death, as is appa-  
rent by these examples of *Noah* towards *Cham*;  
*Gen. 9. 25.* of *Abraham* towards *Hagar* and *Is-*  
*mael, Gen. 21. 10.* of *Jacob* towards *Simeon* and

B

Levi,

**L I B. I.** *The forme of the Hebrews Common-wealth.*  
*Levi, Gen. 49. 3. and of Judah towards Thamar,*  
*Gen. 38. 24.*

In *Moses* his dayes then did this prerogative of primogeniture cease; and as *Aaron* and his posteritie was invested with the right, and title of *Priests*; so *Moses*, and after him *Iosua*, ruled all the people with a kind of *Monarchiall* authority. For *Moses* was among the righteous as *King*, *Dent. 33. 5.*

After *Iosua* succeeded *Judges*; their offices were of absolute and independent authorities, like unto *Kings*, when once they were elected; but there were long vacancies, and chasmes commonly betweene the cessation of the one, and the election of the other: yea for the most part, the people never chose a *Judge*, but in time of great troubles, and imminent dangers; which being over-past, he retired to a private life. After that *Gedeon* had delivered the people out of the hand of the *Midianites*, he being offered the *Kingdome*, replied; I will not reigne over you, neither shall my childe reigne over you, *Iudg. 8. 23.* That of *Samuel*, that hee judged *Israel* all the daies of his life, *1 Sam. 7. 15.* was <sup>a</sup> extraordinary. In this respect their *Judges* symbolize with the *Romane Dictators*. This state of Regiment continued amongst them by the computation of *S. Augustine*, three hundred twentie nine yeares. In these vacancies or distances of time, betweene *Judge* and *Judge*, the greater and weightier matters were determined by that great Court of the *Seuen*, called the *Sanedrīm*,  
in

<sup>a</sup> Zepper. li. 3. leg.  
 Mos. cap. 6.

<sup>b</sup> Aug. de Civ. Dei,  
 lib. 18. cap. 22.

untill Christ his comming, and when, &c. L I B. I.

3

in which respect the forme of government may be thought *Aristocrasical*. Kings succeeded the *Judges*, and they continued from *Saul* unto the captivitie of *Babylon*, that is, \* about 520. years.

\* Zeppor leg. Mo-  
saic. lib. 3. cap. 6.

From the Captivitie unto the comming of *Christ*, (which time is \* thought to have beene five hundred thirtie six yeares) the state of the *Jewes* became very confused. Sometimes they were ruled by *Deputies* and *Vicererents*, who had not supreme authoritie in themselves, but as it pleased the *Persian Monarchs* to assigne them,

\* Vide Fudai  
Chronol.

\* they were termed גליות ראשי *Rasche galiuth*, \* *Maimon in Iad.*  
ראשי גליות, *Heads of the Captivitie*. Of this sort

\* Maimon in Iad.  
I. vis. tract. Sane-  
drin. cap. 4. §. 13.

was *Zerobabel* and his Successors, who are reckoned in the \* *Hebrew Chronicles* to bee these, \* *Mesallam*, *Hananiah*, *Berechia*, and *Hofadia*. All which are thought to have reigned under the *Persian Monarchie*, and to have beene of the posteritie of *David*: as likewise the other succeeding tenne chiefe Governours after *Alexander the Great*. In the last of these ten, the government departed from the house of *David*, and was translated to the *Maccabees*, who descended from the Tribe of *Levi*. They were called *Maccabei*, from *Iudas Macchabem*, \* and he had this

\* Seder Olam mi-  
nus.

name מַכַּבִּי *Macchabem*, from the Capital letters of this Motto, written in his ensigne or Banner, מִי כַּמִּיד בְּאֵלִים יְהוָה, *Quis sicut tu inter Deos & Domine*? Where the first letters are, *M. C. B. A. I.* Among the *Maccabees*, soveraigne authoritie continued untill *Herod the Askalonite* his reigne, at what time our Saviour

\* Carian Chron.  
lib. 2. pag. 144.

**LEI B. I. The forme of the Hebrews Common-wealth.**  
*Christ* was borne, according to *Iacobs* prophe-  
 cie: The Scepter shall not depart from *Iudah*,  
 nor a *Lawgiver* from betweene his feet, untill  
*Shiloh* (that is, the <sup>h</sup> *Messias* come; *Genesis*

<sup>1</sup> Targum Yiel.  
 eadem pane verba  
 habet Targum Ie-  
 rosolym.

49. 10.

For the right understanding of this prophe-  
 cie. wee must note two things; 1 The time  
 when the Scepter was given to *Iudah*; 2 When  
 taken from him. But first we must observe how  
 these two words *Iudah*, and the *Scepter*, are di-  
 stinguished.

<sup>1</sup> Origines hom. 17.  
 in Genes. Epiphani.  
 contra Ebioncos,  
 & maxima He-  
 breorum pars.

<sup>1</sup> Cuneus de rep.  
 Hebr. lib. 1. cap. 9.  
 pag. 81.

Some take  
*Iudah*

<sup>1</sup> Euseb. demonstr.  
 lib. 8. cap. 1. Mon-  
 tani in Analect.  
 p. 72. Casab. contra  
 Baron. p. 26.

1 For the <sup>1</sup> Particular *Tribe of Iu-  
 dah*; but this seemeth flat con-  
 trarie to Scripture, for many of  
 the *Iudges* were of other Tribes,  
 and all the *Macchabees* of the  
*Tribe of Levi*.

2 For the <sup>1</sup> Two Tribes which  
 cleaved to *Rehoboam*; because  
 in that division of the people,  
 these two Tribes alone were  
 called *Iewes*, and that from *Iu-  
 dah*, and that never before this  
 division.

3 For <sup>1</sup> all the whole bodie of *Is-  
 rael*; consisting of twelve Tribes;  
 all which (in the judgement  
 of these men) were afterward  
 by the singular providence  
 of God, called *Iewes* from  
*Iudah*.

Some

Some take  
Scepter

- 1 For<sup>m</sup> Legall power, and Sovereign<sup>m</sup> Patres plerique  
authoritie, residing in one man<sup>omnes.</sup>  
principally.
- 2 For the<sup>n</sup> forme of govern-<sup>n</sup> Casaubon. adver.  
ment, and face of a Common-<sup>Baron. p. 19 li. p.</sup>  
wealth, governed and ruled<sup>23. Iustinus Mart.</sup>  
by its owne lawes, customes,  
and rites : signifying as well  
the rule and authoritie of in-<sup>in dialog. cum Try-</sup>  
feriour Magistrates, yea of<sup>phone. Cunaus lib.</sup>  
Priests also, as of Kings and<sup>1. de rep. Heb. cap.</sup>  
Princes.<sup>9. p. 82.</sup>

From these different acceptions of these two words, flow foure different interpretations of Iacobs prophecie.

Some are of <sup>o</sup> opinion, that the Scepter taken<sup>o</sup> Cunaus lib. 1. de  
in the second acception, began to bee given<sup>rep. Heb. cap. 11.</sup>  
to Iudah, that is, to the two Tribes cleaving to<sup>pag. 96.</sup>  
Rehoboam, at the time of that division of the  
people : and that this Scepter was not taken  
from them untill the destruction of Ierusalem,  
because that after Herods time until then,  
their lawes remained in force, their Priesthood  
continued, and their Common-wealth, though  
it were much defaced, yet not quite over-  
throwne.

Some are of <sup>p</sup> opinion, that the Scepter taken<sup>p</sup> Ioseph. Scalig. ex  
in the second acception, began to bee given<sup>quo Casaubon. ad-</sup>  
to Iudah, that is, to the Twelve Tribes, from<sup>vers. Baron. p. 19.</sup>  
<sup>11. p. 39.</sup>



L I B. I. *The Scepter departed from Iudah.*

the time of *Moses*; and that this *Scepter* was not taken from them, untill the destruction of *Ierusalem*: not in *Herod*, because he was a *Jew* (in that hee was a *Profelyte*) for a *Jew* is a name, say they, of *prfession*, not of *Country*, or *Nation*.

<sup>1</sup> *Montacut. in Anal. H. pag. 74.*

Some are of <sup>1</sup> opinion, that the *Scepter* taken in the second acception, began to bee given to *Iudah*, that is, to the *twelve Tribes*, from the time of *Moses*, and that it was taken from them in *Herods* time: yet so, that in *Herods* time; this was but begun, and inchoate, and at the destruction of *Ierusalem* it was fulfilled and consummate.

<sup>1</sup> *Augustin. contra Manich. lib. 12. cap. 47. Euseb. demonstr. lib. 8. Carian. Chron. pag. 143.*

Some are of <sup>1</sup> opinion, that the *Scepter* taken in the first acception, began to be given to *Iudah*, that is, to the *twelve Tribes*, from the time of *Moses*, and that it was taken from them fully in *Herods* time. The former opinions, makes the coming of the *Messias*, to bee a fore-runner of the departure of the *Scepter*: this makes the departure of the *Scepter* to bee a fore-runner or token of the *Messiah* his coming, which I take to bee the principall thing aimed at in the prophetic. This opinion, as it is more generally received than the others, so upon juster grounds. Now the *Scepter* was departed, and given to a *Profelyte*, never so before <sup>1</sup>: yea now also, the *Lawgiver* was depared from between *Iudahs* feet, and now the *Messiah* borne.

<sup>1</sup> *P. Galatin. lib. 4. cap. 6. pag. 203. ex Talmud. Ierusal.*

## CHAP. II.

## Of the Publicanes.

WE having seene the most remarkable changes in the Common wealth of the *Hebrewes*, wee will note the chiefe observations concerning the persons there inhabiting, and first concerning the *Publicanes*, who were in the latter times, an heterogeneous member of that common-wealth. After that the *Jewes* became tributarie to Rome (which <sup>a</sup> was affected by *Pompey* three-score yeeres before the birth of our *Saviour*) <sup>a</sup> *Joseph. Locutus de Pompeio lib. 1. de bello Iud. cap. 5. pag 720.* certaine officers were appointed by the Senate of Rome, unto whom it belonged, as well among the *Jewes*, as in other Provinces, to collect, and gather up such custome-monie or tribute, as was exacted by the Senate: those that gathered up these publique paiments, were termed *Publicani*, *Publicanes*; and by reason of their covetous exactions, they commonly were hated by the people of the Provinces <sup>b</sup>: Every Province had his severall society, or companie of *Publicanes*: Everie society, his distinct Governour, in which respect it is, that *Zaccheus* is called by the *Evangelist*, <sup>c</sup> *ἄρχηγός, Princeps Publicanorum*, the chiefe receiver of the Tribute, or chiefe *Publicane*, *Luke 19. 2.* And all the provincially Governours in these severall societies, had one chiefe <sup>c</sup> *Master* <sup>c</sup> *Sigon. de Antiq. jure civium Rom. lib. 2. cap. 4.* residing

residing at *Rome*, unto whom the other subordinate Governours gave up their accounts. These *Publicanes* were hated in all Provinces, because of their exactions, but chiefly in the Common-wealth of the *Iewes*, because though it were chiefly maintained by the *Galileans*, yet it was generally inclined unto by the *Iewes*, that Tribute ought not to be payed by them: this hatred is confirmed by that *Rabbinical* pro-

<sup>a</sup> *M. Casaubon. ex-  
erci. 13. 37.*

verbe <sup>d</sup> *Take not a wife out of that familie wherein there is a Publicane*, for such are all *Publicanes*. Yea a faithfull *Publicane* was so rare at *Rome* it selfe, that one *Sabinus* for his honest managing of that office, in an honourable remembrance thereof, had certaine images erected with this

<sup>\*</sup> *Sueton. in Flav.  
Vesp. c. 1.*

<sup>\*</sup> supercription. *Κηὸς τελωνίου*, For the faithfull *Publicane*. And therefore no marvell, if in the Gospell, *Publicanes* and sinners goe hand in hand.

It is now generally received as a truth undoubted, that not onely *Heathen* people, but sometimes *Iewes* themselves became *Publicanes*. *Tertullian* was of another opinion <sup>e</sup>, and thought that all the *Publicanes* were *Heathens*; but hee hath beene in that long since confuted by <sup>f</sup> *Ierome*, and reason it selfe perswadeth the contrarie. First, *Matthew* who was a *Publicane*, was afterward an *Apostle*, and therefore unlikely to have beene an *Heathen*. Secondly, *Zaccheus* his name was a pure *Hebrew* name, having no affinitie with *Romane* names. Thirdly, the ground or principall argu-

<sup>e</sup> *Tertull. de pudic.  
cap. 9.*

<sup>f</sup> *Hieronym. epist.  
ad Damasum.*

ment

ment on which *Tertullian* built, was meerly <sup>e</sup> erroneous.

*ratio, nusquam enim occurrit in fonte, spurium ille textus, quo Tertullianum potissimum nititur, Non erit vestigat, pendens ex filiis Israel, Deut. 23.*

*e* *Fraus fuit accuratissima Pano, Hebraice lingue igno-*

CHAP. III.

*Israelites, Profelytes.*

**T**He whole Common wealth of *Israel* consisted of two sorts of men, *Hebrewes*, and *Profelytes*; he that was borne an *Hebrew*, either by *Father*, or *Mother's* side, was an *Hebrew*; but hee that was borne so of both, was an *Hebrew of the Hebrewes*; such a one was *Saint Paul*, *Phil. 3. 5*. He that was borne a *Profelyte* either by *Father* or *Mother's* side, was termed *Ben ger*, The son of an *he-profelyte*, or *Bengera*, The son of a *she-profelyte*; But he that was by *Father* and *Mother's* side a *Profelyte*, was termed <sup>a</sup> *Bagbag*, that is, the son of he & she *Profelytes*.

The *Hebrews* were of two sorts, some lived in *Palestina*, and used the *Hebrew* text, these were called *Hebrewes* or *Iewes*; others were disperfed in divers places of *Greece*, they used the *Greeke* translation, and thence were termed *Ελληνισται*, <sup>b</sup> *Gracists*; *Saint Luke* mentioneth both. There arose a murmuring, <sup>c</sup> *Ελληνισται*, of the *Gracists*, towards the *Hebrewes*, *Acts 6. 1*. Where note the difference between *Ελληνισται*, & *Ελληνισται*, the *Gracians*, and the *Gracists*; The *Gracians* are used by *Saint Paul*, to signify all the *Heathen* people, & stand in opposition with *Hebrews* in the generall acception, containing both the *Gracists*, or disperfed *Hebrewes*, and also those of *Palestina*: the *Gracists* were both by birth and religion

<sup>a</sup> *Magni quidem nomen Rabbi apud Iudeos fuit, quem ex Paganismo ad Iudaismum conversum רבבב per sigla appellarunt, i. filius Profelyti, filius profelytae. Park. Aboth. cap. 5.*

<sup>b</sup> *De Iudeis Gracienfibus. vide Scal. animadver. Enfeb. 2. 24. 1. & in Can. Ifagot. 278.*

ligion *Hebrewes*, standing in opposition with *Hebrews* in the strict acception, taken for those of *Palestina*.

<sup>a</sup> Euseb. Eccles. hist.  
lib. 1. cap. 8.

The whole body of *Israel* was divided into twelve Tribes, and publique records were kept, wherein every ones genealogie was registred, to manifest unto what particular Tribe he belonged. These records *Herod* burnt, hoping that in after ages, hee might bee thought originally an *Israelite*, if those publique monuments might not bee produced against him. <sup>c</sup> Thus much *Eusebius* plainly delivereth of him. I am of opinion, that another reason might bee admitted, namely, That no distinction either of Tribe or Familie, might appeare, but all being confounded, and amongst the rest, *Dauids*, (unto whose Familie by a peculiar right this Scepter belonged) *Herod* and his posteritie might bee the better secured of the Kingdome.

*Profelytes* were those Heathen people, who disclaiming *Paganisme*, became converts, and joyned themselves unto the Church of the *Jewes*. They were termed *Profelytes*, *מְסֻבִּים* *mesubim*, from their comming and adjoyning unto the *Jewes*. Concerning these *Profelytes*, wee will consider these three things. 1 The severall kindes of *Profelytes*; 2 The manner of making them; 3 In what account or respect they lived among the *Jewes*.

<sup>a</sup> Rabbi Salomon.  
Deut. 10. 16.

First, the kinds of *Profelytes* were two; *גֵּר בְּרִית* *Gor berith*, *Profelytus fœderis*, A *Profelyte* of the covenant. He submitted himselfe unto the Circumcision, and to the whole *Mosaicall* Pædagogic. <sup>d</sup> The *Rabbies* terme such a one *גֵּר צְדֵק* *Ger tsdek*, *Profelytus iustitiæ*, A *Profelyte* of righteousness. Secondly,

שְׂרָר



גר שבאגער, *Ger sabaguer*, *Proselytum porta*, A proselyte, or stranger within thy gates, Deut. 14. 21. Of him also wee read in the fourth Commandement. Hee was suffered to dwell amongst them, whence he is also called תושב *Toschab*, *Incola*, an inhabitant. Hee was not circumcised, neither did he conforme himselfe to *Mosaicall* rites, and ordinances, onely hee wastied to the obedience of those commandements which among the *Hebrew Doctors* goe under the name of *Noahs* seven Commandements : \* *Shindler in pentaglot. p. 1530.* which they reckon thus : 1 Iudgements or punishments for malefactors. 2 Blessing the name of God; under this is contained the keeping of the Sabbath. 3 Disclaiming Idolatrie. 4 Uncovering ones nakednesse. 5 Shedding of blood. 6 Robberie. 7 Eating of any member of a beast, taken from it alive. Of this sort were *Naaman* the *Syrian*, the *Eunuch*, *Cornelius*, and those of whom wee reade, That there were dwelling at *Ierusalem* *Jews*, <sup>†</sup> *Men* <sup>†</sup> *And peritiam.* that feared God of every Nation, under heaven *Acts* 2. 5.

Secondly, to the making of one to be a *Proselyte* of the Covenant, according to the difference of sex, and the difference of times, the rites of initiation varied. To the making of \* a *Male Proselyte*, at first <sup>†</sup> *Moses Kotsens.* three things were required. 1 \* *Circumcision.* 2 <sup>†</sup> *fol. 40. Col. 2.* A kinde of purification by water. 3 The blood of oblation. This oblation was commonly two *Turtles* or *Pigeons*. To the making of a *woman proselyte*, were required only, *Purification by water*, and *Oblation* <sup>†</sup> *Drusius de trib. scilicet. 2. p. 102.* Now because the *Jews* have neither *Altar*, nor *Sacrifice*, they say that for the *males*, *Circumcision*, and *Purification by water* sufficeth ; and for the *females*,



<sup>1</sup> *Moses Egyptum in Affure biab, Perck 1: fol. 137. vide Serarium 17: baref. 22. c. 2.*

onely *Purification by water.* <sup>1</sup> In *Dauids* time they say, that many thousands of *Proselytes* were joyned unto the *Church* without *Circumcision*, only by this *Purification*.

Hence we may observe, that a kinde of initiation by water was long in use among the *Jewes*, though it were not *Sacramentall* untill *Christ* his institution: yea therefore it may seeme to have beene used by them, because they expected it at the comming of the *Messias*, as appeareth by their comming unto *John*, questioning not so much his *Baptisme*, as his *authoritie*, by what *authoritie* hee baptised: Why baptizest thou then, if thou bee not that *Christ*, nor *Elias*, neither that *Prophet*? *John* 1. 25.

Thirdly, the respect borne by the *Jews* towards *Proselytes*, was charitable; <sup>1</sup> they used no upbraiding termes towards them, saying, *Remember thy former deeds.* Notwithstanding it was also provided, <sup>1</sup> No *Proselyte* should be eligible into the Court of their *Sanhedrim*, yea in their common commerce, they had an usuall proverb which admonished them of warinesse, <sup>2</sup> *Vel ad decimam usque generationem a Proselytis cave*; Beware of *Proselytes* to the tenth generation.

<sup>1</sup> *P. Fag. Exod. 22. 21.*

<sup>1</sup> *Moses Aegypt. l. 1. vit. ad. tract. Sanhedrim. cap. 2.*

<sup>2</sup> *Casaubonus ad. vers. Baruch. p. 27.*

### CHAP. IIII.

#### Of their Kings.

WE shall reade of three sorts of *Kings* in the Old Testament *Melchisedek* was King and Priest, *David* King and Prophet, others simply *Kings*. *Melchisedek* was King and

and Priest, David King and Prophet. The concurrence of Princely Sovereignty, and holy orders, in the same man, intimates that supreme authority should alwaies be accompanied with care of religion: In which respect *Iosb*, when hee was anointed King, received the Testimony or book of the Law, 2 Kin.

11. 12. neither did these two meet only in *Melchisedek* and *David*, but the same man among the *Heathens* was oftentimes King and Priest. And *Trismegistus* had his name *Ter maximus*,<sup>a</sup> because he was *Philosophus maximus, Sacerdos maximus, & Rex maximus*. All Kings were not anointed, but only those in whom succession was broken, and there the first of the family was anointed for his successors, except in case of dissention, where there was required a renewed unction, for the confirmation of his authoritie. For this reason it was that *Salomon* was anointed as well as *David*, because of the strife betwene him and *Adoniah*.

Furthermore *Saul* and *Tehu* were anointed *בִּשְׁמֵן*, *Bepac*, with a Cruse of oyle, to shew the short continuance of their kingdomes. *David* and *Salomon* were anointed *בְּכֶרֶם*, *Bekeren*, with an horne of oyle, that is, in a plentiful measure, to shew the long continuance of their Kingdomes.

As Kings were distinguished from the people by many ensignes of honour, by their Crowne, their Scepter, their Throne &c. so likewise were they distinguished by their apparell; that was the reason that *Ahab* entering into battell, changed his apparell, 1 Kings 22. 30. Though purple and white colours were not appropriated unto Kings, yet these colours were in chiefe esteeme, and princi-

<sup>a</sup> *Rex Animus, Rex idem hominum, Phœbique Sacerdos. Virg. Anoid. lib. 3. Alex. Neopolit. lib. 2. cap. 6.*

<sup>a</sup> *Valer. Max. 1.1. cap. 6.*

pally used by them, <sup>d</sup> yea purple above others was affected by the *Emperours* and Nobilitie of *Rome*; and white by the Nobility of the *Jewes*, whence the *Hebrewes* terme their Noble-men, and such as are of best ranke צורי, *Chorim*, *Albato*s, men clad in white; and on the contrary, men of meaner ranke, צפופי, *Chaschucim*, *Sordidato*s, men clad with a foule garment. Hence is that of Saint *Iames*, if there come a man with a gold Ring, and in goodly apparel עוֹדֵן לָאֻמָּא, in a white garment, and there came also a poore man, עוֹדֵן בְּיָדָא, in a vile or foule raiment, *Iam.* 2. 2. This may be the reason, why when the *Jewes* accused *Christ* of treason, *Pilate* his souldiers clad him in purple, *Matth.* 27. 28. and *Herod* the *Tetrarch* of *Galilie* put on him a white garment, *Luk.* 23. 11. both therein applying themselves to the customes of their owne Countrey, and in derision, clothing him as a King.

## C H A P. V.

*The High-Priest, Priests, Levites, and  
Nethinims.*

**T**Here were three rankes or degrees of Ministers about the *Temple*, *Priests*, *Levites*, and *Nethinims*; they may bee paralleld with *Ministers*, *Deacons*, and *Subdeacons* in the *Primitive Church*: Over all these the *High-Priest* was chiefe.

In *Aaron* and his posteritie, was continued the succession of the *Priests*; the *High-Priesthood* was tied

tyed to the line of his first-borne; all the rest of his posteritie were *Priests*, simply so called, or called *Priests of the second Order*, 2 Kings 23.4.

Except *Aaron*, and those that issued from his loynes, (in whom the series of *Priests* was continued) all the rest of *Levi* his posteritie were called *Levites*.

Both in the *High-Priest*, and the *second or inferior Priests*, there are two things considerable. First, their *Consecration*; Secondly, their *Office*. In both these, somewhat they differed, somewhat they agreed.

In their *Consecration* they differed. First, \* The *High-Priest* was anointed: the materials of this <sup>summus in fonte legitur Sacerdos unctum, Levit. 4.5. Ionathan habet, Sacerdos magnus vel summus. De serie Aben Esra, Sacerdos magnus ipse est Sacerdos unctum. Tyranno adduc clarum, Sacerdos unctus est Sacerdos magnus, quia inferiores Sacerdotes non ungebantur, &c.</sup> chrisme or ointment are prescribed, Exodus 30.23. It was powred upon *Aaron's* head, *Leuitic.* 8.12. It ranne downe to his beard, and to the border of his garments, *Psalms.* 133. 2. The *second Priests* were onely sprinkled with this Oyle, mixed with the blood of the Sacrifice, *Levis.* 8. 30. In this was typed out the unction of our *Saviour*, who was anointed with the oyle of gladnesse above his fellows, *Psalms.* 45. 8. Hee was anointed above his fellows, *Extensivè*, and *Intensivè*. *Extensivè*, for though *Aaron* was anointed *Priest*, *Saul* anointed *King*, *Elisba* anointed *Prophet*, *Melchisedek* *King*, and *Priest*, *Moses* *Priest* and *Prophet*, *David* *King* & *Prophet*; yet none save onely *Christ*, *King*, *Priest*, and *Prophet*, *Intensivè*; hee was anointed, wee sprinkled. He was full of grace and truth, *Ioh.* 1. 14. And from this fulnesse, wee receive grace for grace, *verse* 16. And all *Christians*, especially *Ministers*, are unto God the sweet savour of *Christ*, 2 *Cor.* 2.5.

Secondly,

Secondly, they differed in their garments, which were a necessary adjunct to their Consecration. The *High-Priest* wore at the time of his ordinary ministration in the *Sanctuarie*, eight garments; *Exodus* 28. First, *Breeches of linnen*, put next upon his flesh. Secondly, A *Coat of fine linnen*, put over the breeches. Thirdly, A *girdle embroidered, of fine linnen, blew, purple, and scarlet*, wherewith the coat was girded. Fourthly, A *robe all of blew*; with seventy two bells of gold, and as many *Pomegranats*, of blew, purple, and scarlet, upon the skirts thereof; this was put over the coat and girdle. Fifthly, An *Ephod of gold and of blew, purple, scarlet, and fine linnen curiously wrought*; on the shoulders thereof were two faire *Beryll stones* engraven, with the names of the twelve Tribes of *Israel*. This *Ephod* was put over the *Robe*, and girded thereto with a curious girdle made of the same. Sixthly, A *Breſtplate wrought of gold, blew, purple, scarlet, and fine linnen*, which being a ſpanne ſquare, was faſtned by golden chaines, and rings upon the *Ephod*: here-in were ſet twelve ſeverall ſtones, on which the names of the twelve Tribes were engraven: Moreover, in this *Breſtplate* were the *Vrim* and *Thummim* placed. Seventhly, A *Miter of fine linnen, ſixteen cubits long, wrapped about his head*. Eighthly, A *plate of purple gold, or holy Crowne two fingers broad*, whereon was graven *Holinneſſe to the Lord*: this was tied with a blew lace upon the fore-front of the *Miter*.

Theſe eight garments the *High-Prieſt* uſed in his ordinary ministration, and they are termed by the *Rabbies*, בגדי זהב *Begde Zahab*, *Veſtimenta aurea*,



*aurea*, Golden Vestiments, because of their richnesse in comparison of other extraordinarie garments, which he wore onely, once a yeare, when hee entered into the *Holy of Holies*, upon the Propitiation day, *Levit.* 15. 4. 23. These latter are called בגדי לבן *Bigde Laban*, Vestimenta alba, White garments, they were in number foure, 1 A linnen breeches. 2 A linnen coat. 3 A linnen girdle. 4. A linnen Miter, *Levit.* 16. 4.

In time of the second Temple, \* because the *Chrisme* or holy oyle could not be found, therefore as formerly in respect of his unction, the High-Priest was called by the Talmudists, מִתְרַבֵּה מִשְׁחָה *Mithrabe Mischa*, *Auctus unctione*, The anointed : so when the oyle was lost, in respect of his garments, he was termed, מִתְרַבֵּה בְּגָדִים *Mithrabe begadim*, *Auctus vestibus*, the clothed. Those fore-mentioned garments <sup>b</sup> the High-Priest might not weare abroad in the Citie, unlesse some urgent occasion compelled him, as *Simeon the Iust* did, when he went forth to meet *Alexander the Great*.

\* *Cumaus lib. 2. de resp. Heb. cap. 7. pag. 222.*

<sup>b</sup> *Moses Kotsensis precept. affir. 173. fol. 312. col. 3.*

In his apparell the threefold office of our Saviour Christ was shadowed, the Crowne signified his Kingly office; the *Vrim* and *Thummim*, and likewise his Bells and Pomegranats, his Propheticall office : by *Vrim* and *Thummim*, hee answered as from an Oracle ; by the Bells was typed the sound of his doctrine ; by the Pomegranats the sweet savour of an holy life ; the Names of the twelve Tribes engraven on the Ephod, and the Brest-plate, signified his Priestly office, presenting unto God the whole Church, for which he maketh intercession. Hee knoweth his owne sheepe by name, *Iohn* 10. 3.



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The *inferiour Priests* had onely foure garments, which they used in their ministration. 1. *A linnen breeches.* 2. *A linnen coat.* 3. *A linnen girdle.* 4. *A linnen bonnet,* *Exod. 28.*

Thirdly, they differed in their *marriage*. The *High-Priest* might not marrie a *widdow*, nor a *divorced woman*, nor an *harlot*, but a *Virgin*, *Levit. 21. 14.* From a *widdow* hee could not expect the *first love*: from a *divorced woman* he could not expect the *first* or *just love*: from an *harlot* neither *first*, *just*, nor *onely love*: all which *Christ* (whom the *High-Priest* did herein represent) expecteth from his *Church*. The other *Priests* might lawfully marrie a *widdow*, *Levit. 21. 7.*

The *High-Priest*, and the *inferiour Priests*, agreed in their *Consecration* in these particulars. It was required first, that both should be void of bodily blemish, *Levit. 21. 17.* Secondly, that both should be presented unto the Lord at the doore of the *Tabernacle*, *Exod. 29. 4.* Thirdly, that both should be washed with water, *Exod. 29. 4.* Fourthly, that both should be consecrated by offering up certaine *Sacrifices*, *Exod. 29.* Fifthly, that both should have of the blood of the other *Ramme*, put upon the tippe of the right eare, the thumbe of the right hand, and the great toe of the right foot, *Exod. 29. 20.*

In the time of their *Consecration* certaine peeces of the sacrifice were put into the *Priests* hand, *Exod. 29. 9.* The ceremonie in the *Christian Church*, used by the *Bishop* unto the *Minister* in time of *Ordination*, that the *Bishop* giveth the *Bible* into the hands of the *Minister*, doth much resemble this.

And

And both may signifie, that no man taketh his honour unto himselfe, but he that is called of God, as was *Aaron*, *Heb. 5. 4.* Hence Consecration in the Hebrew phrase is termed *Filling of the hand*. And contrary to this did *Ieroboams Priests*, whoſoever would, he *Killed his owne hand*, *1 King. 13. 33.* that is, *He thrust himſelfe into the Priesthood.*

In the diſcharge of their offices, the *High-Priest* differed from the other *Priests* : First, becauſe he onely, and that but once a yeare, entred into the *Holy of Holies*, *Exod. 16. 34.*

Secondly, the *High-Priest* might not mourne for the death of his neareſt kin, *Levit. 21. 10, 11.* The phrases uſed there to expreſſe mourning are two. First, *uncovering the head*. Secondly, *Renting the clothes* : Of both theſe ſomewhat is ſpoken in the Chapter of *Burial*, but concerning the latter it will not be amiſſe to note that the *Talmudiſts* determine the matter thus : ſaying, ° That it was lawfull for the *High-Priest* to teare the ſkirt, or nether part of his garment, but from the boſome downeward it was unlawfull : which if it be true, then it doth not neceſſarily follow, that *Caiaphas* did contrarie to the Law in renting his clothes, *Matth. 26. 65.* The inferiour *Priests* might mourne for theſe ſix, *Father, Mother, Son, Daughter, Brother, and Sister*, that had no husband, *Levit. 21. 2.*

° Vide concin de  
rep. Heb. lib. 2. c. 38

In the diſcharge of their offices, the *High-Priest*, and other *Priests* agreed in theſe particulars : First, They both burnt incenſe, and offered ſacrifices, *1 Chron. 6. 49.* Secondly, they both ſounded the Trumpets, the uſe whereof was two-fold, ſometimes to ſound an alarum in warre, ſometimes

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to assemble the people and their Rulers, *Numb.* 10. Thirdly, they both slew the sacrifices, *2 Chron.* 29. 22. Fourthly, they both instructed the people, *Malac.* 2. 7. Fifthly, they both judged of leprosie, *Levit.* 13. 2.

<sup>d</sup> *Elias Thisbit.*

<sup>e</sup> *Casaubon. advers.  
Baron p. 242. It.  
Joseph. Scaliger. in  
Prol. gen. ad Ensch.*

For the more orderly performance of these offices, the *High-Priest* had his suffragan, <sup>d</sup> called *Sagan*, who in case of the *High-Priests* pollution, performed his office. Of this sort was *Zephaniah* *Jerem.* 52. 24. And of this sort *Annas* is thought to have beene, when *Caiaphas* was *High-Priest*. In this sense they interpret *Annas* and *Caiaphas* to have beene *High-Priests* the same yeare, *Luke* 3. 2. The *High-Priest* and his *Sagan*, resembled our *Bishop* and his *Suffragan*: The *Patriarke* of *Constantinople* and his *Primore* termed *Protosyncellus*; and amongst the *Romans*, the *Censurion* and his *Optio*; for the *Lieutenants* in warre, who in case of necessitie supplied the *Centurions* place, were termed *Optiones*.

That every one of the inferiour *Priests* might equally serve in his order, *King David* distributed the whole company of them into twentie foure ranks or courses, called *improbus*, *Turme*, *vices*. *Nadab* and *Abihu* being dead, there remained onely two sonnes to *Aaron*, namely, *Eliazar* and *Ishamar*; now as the succession of *Priests* was preserved in these two Families, so did *David* at this time according to the number of people in each Familie, make his division. *Eliazars* Familie hee divided into sixteene ranks, and *Ishamars* into eight; the division was by *Lot*, the first *Lot* fell to *Iehoiarib*, the second to *Iedainb*, the third to *Hairim*,

*The High-Priest, Priests, Levites, and* **Chr. 1. 1. 1.**  
*Hairim, &c.* **1 Chron. 24.** Every ranke or course fet-  
 ved weekly in the Temple by turne, and the rankes  
 received their names from those, who at that time  
 were the heads of the severall Families, and ever  
 after retained the same names. The chiefe of eve-  
 ry ranke was called, *Summus Sacerdos* **1 Tim. 4. 10.**  
*The chiefe Priest of that rank.* Hence it is that we read  
 of many High-Priests assembled together **Mark. 14.**  
**1.** Furthermore we are to note, that as the weekly  
 course fell out by lot, so did they by lot determine  
 each particular Priests service; namely, who should  
 burne incense, who slay the beasts, who lay them  
 on the Altar, who dresse the Lamps, &c. *Zacharias*  
*was of the course of Abia,* **Luke 1. 5.** that is, of  
 the eighth course, and his lot was to burne incense,  
**Luke 1. 9.**

The office of the Levites was to pitch, to take  
 downe, to beate up and downe the Tabernacle, and  
 the vessels thereof. *Levi* had three sonnes, *Gershon,*  
*Cohath,* and *Merari*; and accordingly the whole  
 company of the Levites were distinguisht into  
 three orders, *Gershonites,* *Cohathites,* and *Merari-  
 rites.* The *Gershonites* charge was to carrie the co-  
 verings and hangings of the Tabernacle. The chiefe  
 things within the Sanctuary were committed to  
 the *Cohathites.* The wood worke, and the rest of  
 the instruments were committed to the charge of  
 the *Merarites,* **Numb. 3.** This was the office of the  
*Levites,* in *Moses* his time, and whiles they were  
 on their journey in the wilderness, but afterward  
 when they were settled in the promised Land, then  
*David* changed their office, appointing them, some  
 to have the charge of the treasures of the Temple,

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*1 Chron.* 26. 20. other to be over seers and *Judges*; others to be *Porters*, others *Singers*, *1 Chron.* 23. 4. The *Singers* in time of singing were clad in linnen Robes, or Surpleffes, *1 Chron.* 5. 12. The *Singers* were divided into twentie foure orders or courses, *1 Chron.* 25. 8. And the *Porters* into as many, *1 Chron.* 26. that both might supply their turnes weekly by lot, as the *Priest* did. In *Moses* time also, their *Consecration* beganne at the five and twentieth year of their age: In *Dauids* at the twentieth, *1 Chron.* 23. 24. *Ezra* 3. 8. Here we may note the libertie granted unto the Church, in changing Ceremonies: the office of the *Levites* in *Dauids* time, was not the same as in *Moses*; and againe, *Moses* and *David* agreed not in the time of their *Consecration*. Again, in the *Christian Church* wee shall finde in *Matthias* his election, the use of *Lots*; not so in *Pauls*, or any other of the *Apostles*: In their meetings, use of an holy kisse; and at the Lords Supper, use of their *Love-feasts*, both now antiquated thoroughout *Christendome*.

Moreover there are certaine degrees observable among the *Levites*: First, their *Initiation*, when they were a moneth old, they were initiated, and presented unto God, *Numb.* 3. 15. Secondly, their *Consecration*, they were consecrated by imposition of hands, when they were five and twentie yeares old, *Numb.* 8. 24. From thence for the five yeares following, they learned their office. Those that imposed hands on them, are said in the Text *Numb.* 8. 10. to bee the *sonnes of Israel*. *Ghesekuni* interpreteth that place, the *First-borne of Israel*. They were the *Representative Church*,  
and



and in allusion to this, the Church of Christ is called the Church of the first borne, Heb. 12. 23. At the same time the Levites were waved by the Priests, that is, as the Greeke reads it, *\* Separated*, which word is used for the Ministers of Christ, *\* Separate me Barnabas and Paul*, Acts 13. 2. Thirdly, their *Ministrati-on*, to carrie up and downe the Tabernacle, and this was at the thirtieth yeare of their age, untill the fiftieth, Numb. 4. 3. Lastly, their *vacation*, or discharge from that laborious service of carrying the Tabernacle; no: withstanding even then they were to serve in their charge, to encampe round about the Tent, to sing, and to beware that no stranger came into the Temple, <sup>b</sup> and likewise to oversee and instruct younger Levites in the manner of *Bishops*. Unto these degrees the Apostle seemeth to have respect: They that have ministred well get themselves a good degree, 1 Timoshie 3. 13. The like kinde of *\* degrees* are observeable among the *Vestall Virgins*; they remained in their *Nunnerie* thirtie yeares. Tenne yeares they learned the mysteries of their profession; Tenne yeares they exercised them, and Tenne yeares they taught them others. From this custome of imposing hands on the Levites, hath flowne the like custome, used by the Apostles in conferring Orders, Acts 6. 6: 1 Tim. 5. 22.

<sup>a</sup> Apocriti *ἀποκρίτ*.  
<sup>b</sup> Apocritours.

<sup>a</sup> Francis. Iamnes  
*Analek. Expos.*  
Numb. 3.

<sup>a</sup> Dionys. Halycar.  
*naul. lib. 2.*

Observe the difference of these three phrases, *ἱερέω*, The imposition of hands. *ὑψίστη*, The holding up of hands, in token of elevation or ordination, Acts 14. 23. And *ἵκναι χερσίν*, A stretching forth of the hands. Both the first gestures were used in Ordination, or conferring Orders. The first of all, namely,

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namely, *imposition of hands*, was borrowed from the *Hebrewes*. The second, namely, the *holding up of hands*, was taken from the *Athenians*, who had two sorts of Magistrates, *Kleptorai*, Magistrates chosen by *Lots*; and *Xecamporai*, Magistrates chosen by holding up of hands. The third gesture of the hands, called *stretching forth of the hands*, sometimes it is termed, in *Hebrew*, the *beckning with the hand*, a gesture used in craving silence; so *Paul* stretched forth the hand and answered for himselfe, *Act. 26. 1.*

There were another sort of holy persons termed *זבין זבין* *Asaph*, *Magnamad*, *Viri stationarii*, the Law requiring that whosoever offered either gift or sacrifice, hee should present it unto the Lord with his owne hands, and stand by during the time of his oblation. Now because all *Israel* could not stand by, for the narrowness of the place, hence when an offering was made for all the people, certaine selected persons chosen for that purpose, supplied the stead of all the people. They were divided as the *Priests* and *Levites*, into twentie foure ranks and orders, weekly to minister in the Temple, but the choyce was not restrained to the Tribe of *Levi*, but was indifferently made out of the people. Every rank had one foreman, chiefe above the rest, termed *Stationum Princeps*, the Foreman of the Station. The *Nethinims* office was to be hewers of wood, and drawers of water for the house of God; they were not *Levites*, no nor *Israelites* but *Gibeonites*; whom because of their fraudulent dealing, *Iosaphat* made in this manner tributarie, *Iosh. 9. 23.* They were afterward called

*Nethinims*,

<sup>k</sup> *Ascbines contra Ctesiphontem.*

<sup>l</sup> *Herodian. p. 45.*

<sup>m</sup> *Moses Kotensis fol. 211. col. 4.*

זבין  
זבין

*Nethinims*, Ezra 2. 43. from נְתִינִים *Nathan*, which signifieth to *give*, because they were *given* for the service of the *Temple*. Their office was vile and base, as appeareth by that proverbiall speech; From the hewer of thy wood, unto the drawer of thy water, *Dent.* 29. 11.

## CHAP. VI.

## Of the Prophets.

**T**Here are divers names given unto the Expositors of the Law, and although the particular yeare or time when each name beganne, be not clearly evidenced by monuments of *Antiquitie*, yet in generall we may conceive three distinct periods of time, in which the names altered. First, from *Adam*, untill *Moses*. Secondly, from *Moses*, till the peoples returne from *Babylon*. Thirdly, from their returne, untill the dayes of *Christ*, and after. In the first period as *Adam* was *Prophet* and *Priest* in his family, so afterward every first-borne supplied these two offices, together with their *Princely* office in their severall families. That they ruled their families as *Kings*, and instructed them as *Prophets*, is cleare to any acquainted with Scripture; the greatest doubt is, what sufficient prooffe there is for their *Priesthood*. *Adams Priesthood* is gathered hence, \* because that *Genes.* 4. 3, & 4. *Abel* and *Kain* are said to have brought their sacrifices: to have brought them, namely, unto *Adam*, who offered them unto God in their

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name.

\* *Britann. Polit.*  
*Ind. cap. 2. p. 17.*

L. I. B. I. The High Priest, Priests, Levites, and &c.

namely, imposition of hands, was borrowed from the *Hebrewes*. The second, namely, the holding up of hands, was taken from the <sup>k</sup> *Athenians*, who had two sorts of Magistrates; *Kniporai*, Magistrates chosen by Lots: and *Xecvntai*, Magistrates chosen by holding up of hands. The third gesture of the hands, called *ἐκτετακτο*, A stretching forth of the hands, sometimes it is termed, *ἐκτετακτο*, the holding up with the hand, a gesture used in craving silence; so Paul stretched forth the hand and answered for himselfe, *Act. 26. 1.* *ἔκτετακτο τὴν χεῖρα αὐτοῦ* on;

<sup>k</sup> *Aeschines contra Ctesiphontem.*

<sup>l</sup> *Herodian. p. 45.*

<sup>m</sup> *Moses Kotsensis fol. 221. col. 4.*

There were another sort of holy persons termed *מַשְׁכֵּנִים* *Asaph*, *Magnumad*, *Viri stationarii*, the Law requiring that whosoever offered either gift or sacrifice, hee should present it unto the Lord with his owne hands, and stand by during the time of his oblation. Now because all *Israel* could not stand by, for the narrowness of the place, hence when an offering was made for all the people, certaine selected persons chosen for that purpose, supplied the stead of all the people. They were divided as the *Priests* and *Levites*, into twentie foure ranks and orders, weekly to minister in the Temple; but the choise was not restrained to the *Tribe of Levi*, but was indifferently made out of the people. Every rank had one foreman, chiefe above the rest, termed <sup>n</sup> *Stationum Principes*, the Foreman of the station. The *Nethinims* office was to be hewers of wood, and drawers of water for the house of God; they were not *Levites*, no nor *Israelites* but *Ashchemites*, whom because of their fraudulent dealing, *Isaiah* made in this manner tributarie, *Isa. 9. 23.* They were afterward called

מַשְׁכֵּנִים  
אֲשָׁכִימִים

*Nethinims,*

*Nethinims*, *Ezra* 2. 43. from *Nathan*, which signifieth to *give*, because they were *given* for the service of the *Temple*. Their office was vile and base, as appeareth by that proverbiall speech; From the hewer of thy wood, unto the drawer of thy water, *Dent.* 29. 11.

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• *Bertram Polit.*  
*Ind. cap. 2. p. 17.*

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name.



name. The Priesthood of the First-borne is gatherable hence, because the Levites were appointed to the service of the Altar, in stead of the first-borne, and as their *wage*, or price of Redemption, *Numb. 3. 41.* In the second period, though a private catechetical exposition of the Law belonged to the Masters of families, yet the publike ministeriall exposition thereof was appropriated to Priests, and Prophets. In the third period when prophecie ceased, then the office of expounding Scripture was more common, and in stead of Prophets came in a multitude of other Expositors; In generall we may call them teachers of *Israhel*, *Iohn 3. 10.* Wee may distinguish them into three severall sorts, 1. *Wismen*. 2. *Scribes*. 3. *Disputers*. The Apostle compriseth them all, *1 Cor. 1. 20.* Where is the wise? Where is the Scribe? Where is the Disputer? Unto any of these, or whatsoever other *Doctores* eminently gifted above others, the title *Rabbi* was prefixed. First, of their Prophets. Secondly, their *Wismen*. Thirdly, their *Scribes*. Fourthly, their *Disputers*. Fifthly, their *Rabbies*.

To Prophecie, or to bee a Prophet, hath divers acceptions in Scripture. First, it is taken for the bookes and writings of the Prophets. They have *Moses* and the Prophets, *Luke 16. 29.* Secondly, for the whole word of God: No Prophecie in the Scripture is of any private motion, *2 Pet. 1. 20.* Thirdly, those unto whom God vouchsafeth familiarly to reveale himselfe, they are called Prophets. *Abraham* was a Prophet *Gen. 20. 7.* and *Miriam* a Prophetesse, *Exod. 15. 20.* Fourthly, ordinary interpreters of the word are called Prophets. He that recei-

veth

veth a *Prophet* in the name of a *Prophet*, *Matth.* 10. 41. Lastly, it is taken for those, who were enabled by divine revelation, to lay open hidden secrets, transcending all possibility of humane search. Hence it is, that *Prophets* in old time were called *Secrets*, *1 Sam.* 9. 9. And their *Prophecie* was termed a *vision*, *Esay* 1. 1. because *God* extraordinarily enlightened their minds with the knowledge of these secrets.

There are three observeable names applied to *Prophecie* in *Scripture*. 1. *Verbum Domini*. 2. *Visio*. 3. *Onus*. The word of the Lord. Vision. A burden. The first importeth the Lord speaking, or revealing his secrets; the second implyeth the *Prophets* attending, or beholding them; the third being applied onely to *Judgements*, signifieth the burden-somness of them, on that people against whom they came forth.

For the propagation of learning, *Colleges* and *Schooles*, were in divers places erected for the *Prophets*, their *Schollers* were termed *Filii Prophetarum*, Children of the Prophets, *2 Kings* 6. 1. unto which phrase there is allusion, *Matth.* 11. 19. *Wisdom* is justified of her children: by reason of this relation, the *Prophet* sometime is called a *Father*, *Elisha* cried out, my *Father*, my *Father*, *2 King.* 2. 12. The *Targum* expoundeth that place, *Rabbi, Rabbi*, as much as to say, my *Master*, my *Master*. And in truth the *Rabbies* grew very ambitious of the name *Father*, which was the reason of our *Saviours* speech, *Mat.* 23. 6. Call no man *Father* upon earth.

The *Scripture* sometimes joyneth to the name of the *Prophet*, the name of his *Father*, as

<sup>b</sup> Eodem sensu  
Graeci appellant  
actionem dea can-  
didatos iure  
iuris, Erast. Epist.  
dedicatoria Hila-  
rio prefix.

<sup>c</sup> Targum. 2. Reg.  
2. 12.

<sup>d</sup> Kimchi in pre-  
fat. ad Hoseam.

*Hosea the sonne of Beerie, Hos. 1. 1.* And such a one the Hebrewes confesse to be both a *Prophet*, and the *sonne of a Prophet*. Sometimes it mentioneth the *Prophets* name, but not the *Fathers*, such a one they confesse to be a *Prophet*, but not the *sonne of a Prophet*: Sometimes it mentioneth with the *Prophet*, the *name of the Citty* where hee prophesied, and then it followeth, that he was a *Prophet of that Citty*. When a *Prophet* is mentioned without the *name of the Citty*, then hee is thought to be a *Prophet of Ierusalem*.

2 *Wisemen*: This title though in it selfe it bee generall and common to all *Doctors*, and Teachers of the Law, yet for many yeares before our *Saviours* Incarnation, it was either arrogated by the *Pharises*, or else by the ignorant multitude appropriated unto them, from an opinion of their extraordinary *wisdom*, in teaching of Traditions, which they preferred beyond the Law. Hence the *Pharises* were called, *Masters of the Traditions*. And hence was that counsell of *R. Eleazar* to his Schollers, *That they should forbid their children from the study of the Bible, and place them betweene the knees of their wisemen*.<sup>h</sup> Likewise hence, when any of their *Doctors* did read Lecture, their saying was, *ol mōt nēst durtān, Our wisemen doe teach traditions*. The like ambition wee shall finde among the *Gracians*, all of them striving to bee intituled *Doctores, Wisemen*. And hence, whensoever the chiefe of them had pleased the people in the performance of their Orations, or any other publicke businesse, they were honoured with a *Grande Doctus*, that is, with a loud acclamation of *Doctus, Doctus, well*.

<sup>a</sup> *Corioid. lib. 4. cap. 20.*

<sup>f</sup> *Drus. de trib. set. p. 83.*

<sup>e</sup> *Buxtorf. Recens. operum Talmud. p. 195.*

<sup>h</sup> *Hieronymus. ad Augustinum, quæst. 10.*

Well done, or wisely done, untill Pythagoras in dislike of such swelling titles, stiled himsef *Philosophus*, a Lover of wisdom, which kinde of modestie was afterward practised by the Hebrew Doctors, for they in after times, to avoid the suspicion of arrogancie, refused the name of חכמים *Chacimim*, Wisemen, and stiled themselves, תלמידי חכמים *Elia Thabit. Discipuli sapientum*, Learners of Wisdom.

3 *Scribes*: This name was given to two sorts of men, some meerely *Laicks*, others *Clergie men*. The bodie of the *Laicke Scribes*, were those, to whom was committed the instruction of young children in their minority, especially to teach them to write, wee may *English* them *Scriveners*. This office was appropriated to the Tribe of *Simeon*. In this sense wee read not of *Scribes* in the *Scripture*, although the ground of their first institution have beene taken thence; namely, from those words which *Iacob* used unto *Simeon* and *Levi*; I will dividethem in *Iacob*, and scatter them in *Israel*, *Gen.* 49. 7. So that as *Levi* had no portion, but lived dispersed among the other Tribes, by the benefit of the Altar: In like manner *Simeon* had no portion in the judgement of the *Hebrewes*, but lived scattered among the other Tribes, getting their maintenance by teaching and schooling little children: whether this office of teaching children was appropriated to them, I leave to the enquiry of others; certaine I am, that the *Simeonites* had their owne inheritance by *Lot*, *Iosb.* 19. 1. and the propheticie concerning their being scattered, is thought to have beene accomplished in this, that the inheritance

ritance of the *Simeonites*, was taken out of the portion of the children of *Judah*, *Iosb.* 19. 9. Furthermore it is certaine, that if not all *Scriveners*, yet those publike *Notaries* who were employed in drawing deeds, and writing contracts (bee they of what Tribe they will) they were called by the name of *Scribes*. Unto this there is allusion, *Psalm.* 45. 1. My tongue is as the penne of a swift *Writer*, or ready *Scribe*. Out of the body of these I conceive certaine choice men to have been elected for publike imployments, some to attend the *King*, as his *Secretaries*, termed *χαμμαῖς βασιλέως*, the *Kings Scribes*, *2 King.* 12. 10. Such were *Sheia*, *2 Samuel.* 20. 25. And *Shaphan* *2 King.* 22. 3. Others to attend the publike Courts and Consistories: they much resembled our *Clerkes of Assizes*, these were termed *χαμμαῖς λαῶ*, the *Scribes of the people*, *Matth.* 2. 4. *16.* *1 Maccab.* 5. 42.

The second sort of *Scribes* belonged to the *Clergie*, they were *Expositors of the Law*, and thence are they called *χαμμαῖς τοῦ νόμου*, & *νομοδιδασκαλοι*, *Scribes of the Law*, *Efra* 7. 9. *Expounders of the Law*, *Luke* 7. 30. and *Doctors of the Law*, *Luke* 5. 17. Their office was to write, reade, and expound the Law of *Moses* to the people. The name was a name of Office, not of sex. Of this sort was *Esdra*, *Efra* 7. 6. who though hee were a *Levite*, yet others there were of the Tribe of *Judah*, and, as it is thought, they might indifferently be of any Tribe. The name was of the like esteem among the *Hebrewes*, as the *Magi* were among the *Chaldeans*; the *Quindecimviri* among the *Romans*, for expounding *Sybilles Oracles*: or the *Canonists* in the Church

<sup>1</sup> Drusus de tribu  
señ in lib. 2. cap. 12.  
ex Chald. para-  
phrast.



Church of Rome. The word סופרים *Sopherim*, translated *Scribes*, signifieth *Numberers*, or *Computers*, and is applyed to the *Masorites*, because they spent their time in reckoning, and numbering, not onely the verses, but the words also, and letters of each booke thorowout the *Bible*, which as it is an argument of their industrie, <sup>Augustin. in Psal'm. 40.</sup> so likewise of Gods providence, in the preservation of his truth inviolable. As the *wisemen* in their preaching pressed traditions: so the *Scribes* clave to the written word, whence they were <sup>Druſius de trib. sect. 1. 2. cap. 23.</sup> termed *Text-men*, or *Masters of the Text*. And to this purpose it is worth our observing, that whereas both the *Scribes* and the *Pharises* sought to fasten accusations upon our Saviour, *Matthew 9*. The *Scribes* accused him of blasphemie, Verse 3. The *Pharises* of eating with *Publicanes* and sinners, Verse 11. The *Scribes* accusation was a breach of the Law; the *Pharises* a breach of traditions.

3 The *Disputer*. • Hee insisted upon *allegories*, <sup>Vide Thibicm.] שרר</sup> and searched out mysticall interpretations of the *Text*. Hence himselfe was termed *Darschan*, and his exposition, or homily, *Midrasch*. And their Schoole, *Beth Hammidrasch*. They were counted the profoundest Interpreters, whence that of the *Psalmist*, *Psalm 84. 7.* They goe from strength to strength, is interpreted, from their Temple to their *Beth Hammidrasch*, from an inferiour to an higher Schoole. Hereby we see the difference betweene those three sorts of predicans mentioned by *Saine Paul*. The *wise men* were teachers of *Traditions*, the *Scribes* teachers of the *Text* according to the literall interpretation, and the *Disputers* teachers of *allegories*, <sup>P Targum Psalm. 84 7.</sup>

*allegories and mysteries*; which fabulous expositions, because they bred questions and disputations, *ἐκ τούτων ἀπέχρηστο* 1 Tim. 4. Hence is it that such an expositor is termed *מדרשן*, A *Disputer*. These three sorts of Preachers, which Saint Paul termeth, the *wise man*, the *Scribe*, and the *Disputer*, 1 Cor. 1. 28. are by the Hebrews named *חכם* Chacham, סופר Sopher, ררשן Darschan.

## C H A P. VII.

*Of their title Rabbi.*

**A**Bout the time of our Saviour Christ his nativité, titles beganne to bee multiplied, and amongst the rest, these of *Rab*, *Ribbi*, *Rabbi*, and *Rabban*, were in especiall use: they all are derived from *רבב*, *Rabab*, signifying, *Multiplicatus fuit*, and they sound as much as *πληθυνμα δίδωμι*, that is, a *Master*, or *Doctor*, eminently gifted with variety of knowledge. Concerning these titles, they write thus, \* that *Rabbi* is a more excellent title than *Rab*; and *Rabban* more excellent than *Rabbi*; and the simple name without any title, as *Haggi*, *Zachari*, *Malachi*, was more excellent than *Rabban*. About this time they used a set forme of discipline in their Schooles. The Scholler was termed *תלמיד*, *Talmid*, a *Disciple*, in respect of his learning, *קטן* *Katan*, a *Junior*, in respect of his minority, *בחר* *Bachur*, that is, one chosen, or elected, in respect of his election or cooperation, into the number of *Disciples*. After hee had proved

\* *Aruch in voce*  
אברך

proved a good proficient, and was thought worthy of some degree, then was hee by imposition of hands made a Graduate, *חבר* *Chaber*, a companion to a Rabbi. This imposition of hands, they termed *סמיכה*, *vel סמיכה*, *Semicah*, or *Semituth*, which cereimonie they observed in imitation of *Moses* toward *Ioshua*. The Lord said unto *Moses*, Take thou *Ioshua* the sonne of *Nun*, in whom is the Spirit, and put shine hand upon him, *Numb.* 27. 18. At which time hee that imposed hands on him, used this forme of words, *I associate thee, and bee thou associated.* After this, when hee was worthy to teach others, then was hee called *Rabbi*; and whereas in his *minoritie*, his owne name being suppressed, hee was called onely by his *Fathers name*, the sonne of *N.* When hee was made Graduate by imposition of hands, then was hee called by his owne name *N.* the sonne of *N.* And afterward when hee was thought worthy to teach, then was the title *Rabbi* prefixed, after this manner; *Rabbi N. the sonne of N.* For example, *Maimonides*, at first was termed onely *Ben Maimon*, the sonne of *Maimon*: after his degree, then was hee called by his owne name, added to his *Fathers*, *Moses Ben Maimon*, *Moses the sonne of Maimon*: at last being licenced to teach, then was hee called *רמבם* *Rambam*, which abbreviature, consisting of Capitall letters, signifieth *Rabbi Moses ben Maimon*, *Rabbi Moses the sonne of Maimon*. So *Rabbi Levi*, the sonne of *Gersom*, in his *minoritie* was called the sonne of *Gersom*, afterward *Levi the sonne of Gersom*; at last, *רמב"ם*, *Rabbi Levi the sonne of Gersom*. This distinction of *Schollers*,

אין סומך  
אתך תיהיה  
סמיכה  
Id est, Scaligero in-  
terprete: Ego tibi  
impono manum, et  
manus tibi imponam  
esto. Tribere scilicet  
p. 264. vide etiam  
Cunaum de Rep.  
Heb. lib. 1. cap. 12.

\* Vide P. Fagium  
in Scholiis suis ad  
cap 4 Pirke Aboth.

Companions, and Rabbies, appeareth by that speech of an ancient Rabbi, saying, ° I learned much of my Rabbies or Masters, more of my Companions, most of all of my Schollers. That every Rabbi had disciples, and that his owne disciples, and other well-wishers stiled him by the name of Rabbi, in the dayes of our Saviour, needeth no prooffe. Judas came to Christ, and said, God save thee Rabbi, Mat. 26. 49. In like manner Johns Disciples came and saluted Iohn by the name of Rabbi, Iohn 3. 26. And Christ by the name of Rabbi, Iohn 1. 38. But whether there was such a formall imposition of hands then in use, I much doubt. The manner of their meetings, when Disputations were had in their Synagogues, or other Schooles, was thus. The chiefe Rabbies sate in reserved chaires, these are those chiefe seats in the Synagogues, which the Scribes and Pharises so affected, Matth. 23. 6. Their Companions sate upon benches or lower formes, their Schollers on the ground at the feet of their Teachers. Saint Paul was brought up at the feet of Gamaliel, Acts 22. 3. And Marie sate at Iesus feet, and heard his word, Luke 10. 39. The posture of their body differed according to their degrees. The ° Rabbi is described to bee יושב, Iosheb, one that sitteth: The Companion, מושב, Muaseth, the word signifieth a kinde of leaning upon a bed or bench, ones head lying in the others bosome, in manner of the ancient sitting at table, and it was a deportment of the bodie, inferiour to that of sitting: The Scholler was termed מושב, Mishabek, one that doth lie along in the dust, and this was a token of the Schollers humilitie, thus humbling

\* Scaliger in Triv-  
haref. cap. 5. c. 1.  
De vocatib.

\* Pirke Aboth. c. 4.

humbling and subjecting himselfe even to the feet  
of his Master: This same custome it is thought, *Ambros. 1 Cor. 14.*  
Saint Paul laboured to bring into the Christian  
Church, 1 Cor. 14. Their Schollers were not all of  
equall capacitie, whence they said, some had *con-*  
*ditionem spongie*, others *depsydna*, others *saeci sa-*  
*cinacei*, and others *cribri*. Some resembled the  
sponge, and sucks in all that they heard without  
judgement; others the Houre-glasse, they rooke in  
at one ear, and let out at the other; others the  
wine-sacke, thorow which Wine is so drained from  
the dregges, that onely the dregges remaine be-  
hinde: lastly, others the Rying-seive, which in win-  
nowing lets out the courser seed; and keepeth in  
the come.

## CHAP. VIII.

## Of the Nazarites and Rechabites.

Here are two sorts of *Votaries* mentioned  
in the Old Testament, *Rechabites*, *Jeremie*  
35. and *Nazarites*, *Numbers* 6. I find scarce  
any thing warrantable concerning these two; more  
than what the Scripture delivereth in the fore-  
quoted places: therefore concerning the manner  
of their vowes, I referre the Reader to the foresaid  
Texts of Scripture, here onely wee will note the  
distinction of *Nazarites*. The first are these *Vota-*  
*ries*, termed so from *Nazir*, to separate, because  
they separated themselves from three things,  
First, from Wine, and all things proceeding from



the Vine: *Secondly*, from the razor; because they suffered no razor to come upon their head; but let their haire grow all the dayes of their separation. *Thirdly*, from pollution by the dead: this separation againe was twofold, either for a set number of dayes, or for a mans whole life, that they termed *Nazireatum dierum*, this, *Nazireatum seculi*: of that sort was Saint Paul and those foure with him, *Acts* 21. 24. Of this sort was Samson, *Judges* 13. and John Baptist. The just number of daies, how long the former of these two separated themselves, is not expressed in *Scripture*, but the *Hebrew Doctors* determine them to be thirty, because it is said, *Numer* 6. 5. *Domino sanctus servaveris*; which word, (say they) containing thirty, expresseth the just number of dayes to be observed in this voluntary separation. The second sort of *Nazarites*, were so termed from *Nazor*, from whence cometh *Nasareth*, or *Nazareth*, the name of a certaine Village in *Galile*, where Christ was conceived and brought up: Hence our Saviour himselfe was called a *Nazarene*, or *Nazarite*, *Matth.* 2. 23. and those that embraced his doctrine *Nazarites*, *Acts* 24. 5. Afterward certaine *Hereticks*, sprung up, who as the *Samaritans* joined *Jewish ceremonies* with *Heathenish rites*: so they joyned together Christ and *Ases*; the *Dan* and the *Gospel*; *Baptisme* and *Circumcision*: of the beginning of these wee shall read, *Acts* 15. 2. Then came downe certaine from *Judea*, and taught the brethren, saying, *Except ye be circumcised after the manner of Moses, ye cannot be saved*. These Heretiques were called *Nazarites*, either of malice by the *Jews*,

\* Scheindler in Pentaglos.

\* Hieronym: *Isaia*  
8. Idem. refert Euseb:  
piphanius 1. 1. Tom.  
2. her. 29.





part: but sometimes also *Chasidim*, Good men: These of all others were best reputed, and beloved of the people. The Apostle shewing the great love of *Christ*, dying for us, amplifieth it by allusion unto this distinction of the people: *Christ* dyed for the *ungodly*. Scarcely for a *righteous man* will one die, yet peradventure, for a *good man* some would even dare to die, *Rom. 5. verses 6, 7*. The gradation standeth thus: Some peradventure would die for one of the *Chasidim*, a *good man*: Scarcely any for one of *Tsadikim*, a *just*, or *righteous man*: For the *Reschaimim*, or *ungodly*, none would die; yet *Christ* dyed for us *ungodly*, being sinners, and his enemies.

Now as long as these workes of supererogation remained arbitrarie, and indifferent, not required is necessarie, though preferred before the simple obedience to the Law; so long the heat of contention was not great enough to breed sects and heresies: But when once the precepts and rules of supererogation were digested into *Canons*, and urged with an opinion of necessity; Then from the *Chasidim* issued the brood of *Pharisees*; and also from them (as it is probably thought) the heresie of the *Essenes*, both obtruding unwritten traditions upon the people, as simply necessary, and as a more perfect rule of sanctity than the Scripture. At this time the *Tsadikim* in heat of opposition rejected not onely traditions, but all Scripture, except onely the five bookes of *Moses*; for which reason they were called *Kerem*. Some are of opinion they rejected onely traditions, and embraced all the bookes of Scripture: Which opinion

*Affidai de quibus agitur. 1. Macab. 7. 13. vocantur a Ioseph, lib. 12 c. 16. dicitur de eis et de Iudis.*

*Ioseph Scaliger. De heb. cap. 22.*

*Ioseph Scaliger. Ibid.*

nion soever we follow, they had their name *Pharisei*, *Karaim*, *Textuales*, *Scripturarii*, (1.) *Text-men* or *Scripture readers*, because they adhered to *Scripture* alone, withstanding and gainesaying *Traditions*, with all their might. And if we follow the latter, then all this while the *Karaim* were far from heresie: but in proceſſe of time, when from *Sadduk*, and *Boethus*, these *Karaim* learned to deny all future rewards for good workes, or punishment for evill, or resurrection from the dead; now the *Karaim* became compleat *Sadducees*, and perfect *Heretiques*, taking their denomination from their first author, *Sadduk*. The time of each heresies first beginning, shall bee more exactly declared in their severall Chapters.

## CHAP. X.

## Of the Pharisees.

Quartam etymologiam (cujus fuit dñi & auter putatur Hieronymus) Præfat. in Amos) refellit Scriptura Hebraica, si enim Pharisaum dicere tur a verbo Dividere, scribebatur Pharisei פרושים פרושים non פרושים

• Gersonides, c. 2.

Here are three opinions concerning the Etymologie of the name *Pharisee*. The first, (are those which derive it from פרוש, *Parash*, *Expandere*, *Explicare*; either from the enlarging and laying open their phylacteries, or from their open performance, of good workes in publike view of the people, as being ambitions of mans praise. Secondly, from פרוש, *Parash*, *Expandere*, *Explicare*, because they were of chief repute, and counted the profoundest *Doctores* for the exposition of the Law, so that they were termed *Paraschim*, quia *Paraschim*; *Pharisees*, because they were ex-  
pounders



pounders of the Law. Thirdly, others derive the name from the same verbe, but in the conjugation *Piel*, where it signifieth *Dividere, separare*, to separate. \* In this acception, by the *Greekes* they were termed ἀποκρινοί, wee may *English* them *Separatists*. Their separation is considerable, partly in the particulars unto which, partly in those from which they Separated.

First, They Separated themselves to the study of the Law, in which respect they might bee called, ἀποκρινοί εἰς τὸ νόμον, Separated unto the Law. in allusion unto this, the Apostle is <sup>d</sup> thought to have stiled himselfe, *Rom. 1.11.* ἀποκρινοί εἰς εὐαγγέλιον, Separated unto the Gospell: when hee was called, from being a Pharise, to bee a Preacher of the Gospell: and now not separated to the Law, but to the Gospell.

Secondly, They separated themselves, or at least pretended a separation to an extraordinary sanctitie of life above other men. God I thanke thee that I am not as other men are, extortioners, unjust, adulterers, &c. *Luk. 18. 11.*

The particulars from which they separated themselves, were these:

First, From commerce with other people, as afterward will appeare in their traditions, whence they called the common people by reason of their ignorance, τὸν λαόν, *populum terræ*, the people of the earth. In the Gospell of Saint *Iohn 7. 49.* they are called ἄλλοι: This people who knoweth not the Law are cursed.

Secondly, From the apparell and habit of other men: for they used peculiar kinds of habits, where

by they would bee distinguished from the vulgar. Hence proceeded that common speech, *Vestes populi terre, concuscatio sunt Phariseorum.*

<sup>e</sup> Thibitica.

Thirdly, *From the custumes and manners of the world.*

This heresie of the Pharises seemeth to have had its first beginning in *Antigonus Sathem*. He being a Pharise succeeded *Simon the Iust*, who was coe-ranean with *Alexander the Great*: hee lived three hundred years before the birth of *Christ*.

<sup>a</sup> Chrys. *Matth. 23.*

The Pharises were <sup>a</sup> not tied to any particular Tribe or Family, but indifferently they might bee of any. Saint *Paul* was a *Benjamite*; <sup>1</sup> *Hircanus* was a *Levite*.

<sup>1</sup> *Flavius Ioseph.*  
lib. 13. cap. 18.

Each sect had his *Dogmas*, his proper *Aphorismes*, *Constitutions*, or *Canons*: so the Pharises had theirs. My purpose is, both concerning these and the other sects, to note only those *Canons*, or *Aphorismes*, wherein chiefly they were hereticall, and one differing from the other.

<sup>a</sup> *Ioseph. l. 13. c. 9.*

First, the Pharises <sup>a</sup> ascribed some things to Fate or *Destinie*, and some things to mans *Free-will*.

Secondly, They confessed that there were *Angels*, and *Spirits*, *As* 23. 8.

<sup>1</sup> *Ioseph de bello.*  
lib. 2. cap. 2.

Thirdly, Concerning the resurrection of the dead, they acknowledged it, and <sup>1</sup> taught that the soules of evil men deceased, presently departed into everlasting punishment; but the soules, they say, of good men, passed by a kinde of *Pythagorean transmigration* into other good mens bodies. Hence it is <sup>a</sup> thought, that the different opinions concerning our *Saviour* did arise, Some saying that he

<sup>a</sup> *Cor. 15. 20.*  
lib. 2. c. 12. *Drus.*  
in praef.

hee was *John Baptiſt*, others *Elias*, others *Jeremias*, *Matth. 16. 14.* As if *Chriſt* his body had been animated by the ſoule either of *John*, *Elias*, or *Jeremias*.

Fourthly, they did ſtiffely maintaine the traditions of their *Elders*. For the better understanding what their traditions were, wee muſt know that the *Jewes* ſay the Law was <sup>a</sup> twofold, one committed to writing, which they called *תורה שבכתב* *Thorah ſchibichrah*, the written Law; the other delivered by tradition, termed by them, *בעל פה תורה* *Thorah begualpe*. They ſay both were delivered by God unto *Moses* upon Mount *Sinai*, the latter as an expoſition of the former, which *Moses* afterward delivered by mouth to *Iſhua*, *Iſhua* to the *Elders*, the *Elders* to the *Prophets*, the *Prophets* to thoſe of the great *Synagogue*, from whom ſucceſſively it deſcended to after ages. Theſe traditions were one of the chiefeſt controverſies betwene the *Phariſes* and the *Sadduces*. • The *Phariſes* ſaid, Let us maintaine the Law which our forefathers have delivered into our hands, expounded by the mouth of the wiſe men, who expounded it by tradition. And ſee, the *Sadduces* ſaid, Let us not beleewe or harken to any tradition or expoſition, but to the Law of *Moses* alone. The traditions which they chiefly urged were theſe:

<sup>a</sup> *Moses Kotſenſin* *praſilib. praecpt.*

• *Grinida. 29.*

1 They would not eat untill they waſhed their hands. Why do thy diſciples tranſgreſſe the tradition of the *Elders*? for they waſh not their hands when they eat bread, *Matth. 15. 2.* This waſhing is ſaid to have beene done *מַיִם*, *Marke 7. 3.* that is, often, as ſome tranſlate the word, taking *מַיִם*

כְּטִילָה יָדָאִם  
 3. 4. 5. 6. 7. 8.  
 Luk. 13. 9.  
 1. Joseph. Scaliger.  
 Tribaref. c. 7.

1. Munster in  
 Deut. 8.

1. Theophylact. in  
 Marc. 7. 3.  
 1. Beza in majori-  
 bus sum annotatio-  
 nibus, Marc. 7. 3.

in this place, to signifie the same as *παρα* in Homer, frequenter. Others translated the word *accuratè, diligenter*, intimating the great care and diligence they used in washing: with this the *ῥ* Syriack text agreeeth. 1 Others think that there is in that phrase, allusion unto that rite or manner of washing in use among the *Jewes*, termed by them *כְּטִילָה יָדָאִם* *Netilah yadain*, the *lifting up of their hands*. The Greek word *παρα*, is thought to expresse this rite, because in this kinde of washing, *They used to joyn the tops of the fingers of each hand together with the thumbe*, so that each hand did after a sort resemble *τις πυγμή*, i. a *fist*. This ceremonie was thus performed: First, they washed their hands cleane. Secondly, they composed them into the fore-mentioned forme. Thirdly, they lifted them up, so that the water ranne downe to the very elbows. Lastly, they let downe their hands againe, so that the water ran from off their hands upon the earth. And that there might bee store of water running up and downe, they powred fresh water on them when they lifted up their hands, and powred water twice upon them when they hanged them downe. Unto this kinde of washing Theophylact seemeth to have reference, when hee saith, that the *Pharises* did *cubitaliter lavare*, *wash up to their elbows*. Lastly, other 1 interpret *παρα* to bee the fist, or hand closed, and the manner of washing hereby denoted to bee *by rubbing one hand closed in the palme or hollow of the other*. All imply a diligent and accurate care in washing: the ceremonious washing by lifting up the hands, and hanging them downe, best expresseth the superstition,

perstition, which onely was aimed at in the re-  
 prooffe, though all these sorts of washing, to the  
*Pharisees* were superstitious, because they made it  
 not a matter of outward *deuencie* and *civilitie*; but  
 of *religion* to eat with washt or unwasht hands, ur-  
 ging such a necessitie hereof<sup>n</sup>, that in case a man  
 may come to some water, but not enough both to  
 wash and to drinke, he should rather chuse to wash  
 than to drinke, though he die with thirst. And it  
 was deemed amongst them, as great a sinne to eat  
 with unwasht hands, as to commit fornication.  
 This tradition of washing hands, though it were  
 chiefly urged by the *Pharisees*, yet all the *Iews* main-  
 tained it, as appeareth by the places quoted.

<sup>n</sup> *Drusius praecis.*  
*Matth. 23, in ad-*  
*dend. G. Buxtorf.*  
*Synag. Iudaic. c. 6.*  
*p. 93. ex Talmud.*

We may observe three sorts of washing of hands  
 in use among the *Iews*. 1. *Pharisaicoll* and *supersti-*  
*tious*, this was reprov'd: 2. *Ordinarius* for outward  
*deuencie*, this was allowed: The third *in token of in-*  
*nocencie*, this was commanded the *Elders* of the neigh-  
 bour Cities in case of murder, *Deut. 21. 6*. It was  
 practis'd by *Pilate*, *Mat. 27. 24.* and alluded unto  
 by *David*, *I will wash my hands in innocencie*, so will  
 I compass thine altar, *Psal. 26. 6*.

2. *When they came from the market they wash;*  
*Marc. 7. 4.* The reason thereof was, because they  
 there having to doe with divers sorts of people,  
 unawares they might be polluted. The word used  
 by Saint *Marke* is, *Canisovno*, they baptis'd them-  
 selves: implyeth the washing of their whole bodie.  
 And it seemeth that those *Pharisees* who were more  
 zealous than others, did thus wash themselves  
 alwayes before dinner. The *Pharisee* marvelled  
 that *Christ* had not first washed himselfe before  
 dinner,



dinner, *Luke 11. 38.* Unto this kind of superstition *S. Peter* is thought to have inclined, when he said, *Lord not my feet onely, but also the hands and the head,* *John 13. 9.* Thus finding his modesty disliked, when hee refused to have his feet walsh by his *Lord* and *Master*; now hee leapeth into the other extreame, as if he had said, not *my feet onely, but my whole bodie.* Hence proceeded that sect of the *Hemerobaptiste*, i. *Daily baptists*, so called \* because they did every day *thun wash themselves.*

3 They wash their cups, and pots, and brasen vessels, and tables, *Mark. 7. 4.*

4 They held it unlawfull to eat with sinners, *Marth. 9. 11.* yea they judged it a kind of pollution to be touched by them, *Luk. 7. 39.* If this man were a *Prophet*, hee would surely have knowne who, and what master of woman this is which toucheth him, for she is a sinner. of such a people the *Prophet* speaketh: They said, Stand apart, come not neare to me, or (as the words may be rendred) \* *Touch mee not*, for I am holier than thou, *Esay 65. 5.* \* The like practice was in use among the *Samaritans*, who if they met any stranger, they cried out, *sinners touch not, Ne atsinuas, Touch not.*

5 They fasted twice in the weeke, *Luke 18. 12.*

\* Namely, *Mundays*, and *Thursdaies*, \* because *Moses* (as they say) went up into mount *Sinai* on a *Thursday*, and came downe on a *Munday.*

6 They made broad their *Phylacteries*, and enlarged the borders of their garments, *Marth. 23. 5.* Here three things are worthy our consideration. First, What these *Phylacteries* were. Secondly, What was written in them. Thirdly, Whence they

\* *Epiph. l. 1. Tom. 1. cap. 17.*

\* *Ne atsinuas me.*

\* *Scalig. de emend.*

\* *templ. lib. 7. Idem*

\* *refert Epiphani. lib.*

\* *1. Tom. 1. cap. 13.*

\* *Theophylact. in*

\* *Luk. 18. 12. It. Epi-*

\* *phan. hares. 16.*

\* *Drusius in Luc.*

\* *18. 12.*

they were so called. <sup>d</sup> Epiphanius interpreteth these <sup>d</sup> Epiph. lib. 1. <sup>Tom. 1. cap. 15.</sup>  
*Phylacteries* to be *purple bands* or *flourishes woven in their garments*: as if Epiphanius  
 had conceived the *Pharises* garment to be like that  
 which the *Romane Senators* were wont to weare,  
 termed by reason of those *broad bands* and *workes*  
 woven in it, *Patelavium*: but seeing that these  
*Phylacteries* were additaments & ornaments, wher-  
 of there were <sup>e</sup> two sorts, the one tied to their <sup>e</sup> Moses Kotsensis, <sup>prac. affir. 22.</sup>  
*foreheads*, the other to their *left hands*; hence it  
 followeth, that by these *Phylacteries* could not be  
 meant whole garments, or any embossments, or  
 flourishings woven in the cloth. Generally they  
 are thought to bee *schedules* or *scrolles* of parch-  
 ment, whereof as I noted there were two sorts,  
*Phylacteries for the head*, or *frontlers*, reaching from  
 one eare to the other, and tied behinde with a  
 thong; and *Phylacteries for the hand* fastened upon  
 the *left arme* above the *elbow* on the *inside*, that it  
 might bee *near the heart*. Both these sorts were  
 worne, not by the *Pharises* onely, <sup>f</sup> but by the *Sad-* <sup>f</sup> Maimon in Te-  
*duces* also, but with this difference; The *Pharises* <sup>Phylact. 4. 5. 6.</sup>  
 happily for greater ostentation wore their hand  
*Phylacteries above their elbowes*: the *Saduces* on the  
*palmes* of their *hands*. <sup>g</sup> Nay all the *Jews* wore them, <sup>g</sup> Scalig. Tribes. <sup>p. 258.</sup>  
 our *Saviour Christ* not excepted. The command  
 was generall, *Exod. 13. 9.* It shall be for a signe un-  
 to thee upon thine hand, and for a memoriall be-  
 twene thine eyes. So that it is not the wearing of  
 them which our *Saviour* condemned, but the ma-  
 king of them broad, whereby they would appeare  
 more holy than others.

In these parchments they wrote <sup>h</sup> onely the *De-* <sup>h</sup> Chrysost. <sup>in Math. 23.</sup>  
*calogue*.

calogue or ten Commandements, in the opinion of *Chrysostome* and *Hierome* : but generally and upon better grounds it is thought they wrote these foure sections of the Law.

- 1 The first beganne, Sanctifie unto mee all the first borne, &c. *Exod.* 13. 2. to the end of the tenth verse.
- 2 The second beganne, And it shall bee when the Lord shall bring thee, &c. *Exod.* 13. 11. to the end of the 16. verse.
- 3 The third began, Heare O Israel, &c. *Deut.* 6. 4. and continued to the end of the ninth verse.
- 4 The fourth beganne, And it shall come to passe, if you shall harken diligently, &c. *Deut.* 11. 13. to the end of the one and twentieth verse.

These foure Sections written in scrolls of parchment, and folded up, they fastned to their foreheads and their left armes : those that were for the forehead, they wrote in foure distinct peeces of parchment<sup>1</sup> especially, and if they wrote it in one peece, the length of every Section ended in one colunne, and they did put them into one skinne, in which there was the proportion of foure houses or receptacles, and not into foure skinnes : every receptacle was distinct by it selfe ; and those that were for the hand, were written in one peece of parchment principally, the foure sections in foure columnnes, but if they wrote them in foure peeces, it was at length, and they put them in a skinne that had but one receptacle. <sup>2</sup> In time of persecution when they could not openly wear these *Phylacteries*,

<sup>1</sup> *Moses Kapsen.*  
*fol. 104. col. 3.*

<sup>2</sup> *Mushe de pra-*  
*cept. affirm.*

*Lettaries*, then did they tie about their hands a red threed, to put them in minde of the blood of the Covenant of the Law.

Touching the name, *Moses* calleth them *תפילין* *Totaphoth*, which word hath almost as many *Ety-mologies*, as interpreters; the most probable in my opinion, is that they should be so called *per Antiphrasin*, from *תפול*, *incedere*, to goe, or move, because they were *immoveable*: Hence the *Septuagint* translates them, *ἀνάλκτα*, *Immoveable ornaments*. The Rabbines call them *Tephilim*, *Prætor ornaments*: Others call them *Pittacia*, and *Pittaciola*, from *πύλας*, which signifieth a peece or parcell of cloth. In the *Gospel* they are called *μακάντια*, *Phylacteries*, from *μακραίνω*, to conserve or keep. First, because by the use of them, the *Law* was kept and preserved in memorie. Secondly, because the *Pharisees* superstitiously conceited, that by them, as by Amulets, Spells, and Charms, hanged about their necks, themselves might bee preserved from dangers. The word *μακάντια*, signifieth a Spell, and *Hieronym* testifieth, that the *Pharisees* had such a conceit of these ornaments: In which place hee compareth the *Pharisees* with certaine superstitious women of his time, who carried up and downe upon the like ground, *παύλας εὐαγγελίας*, & *crucis ligna*, Short sentences out of the *Gospel*, and reliques of the *Crosse*. The same superstition hath prevailed with many of latter times, who for the same purpose hang the beginning of *Saint Iohns Gospel* about their neckes, And in the year of our Lord 691. certaine Sorcerers were condemned for the like kinde of Ma-  
gick,

*Hieronym. in  
Matth. 23.*

*Scalig. Tyberes,  
cap. 7.*

• Concil. quini  
Sexti, Canon 61.

gicke, by the name of *Phylacteria*, that is, *Phylacteria*  
which hee doth use to shew in more of his

Thus much of their *Phylacteria*; in the same  
verse is reprov'd the *enlarging of their borders*.

• Vid. D. Kimchi.  
Radie.

• That which wee read borders, in the Gospel, is,  
called, *Numb. 15. 38. 41. 42. Fringes*: and

*Exod. 28. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 841. 842. 843. 844. 845. 846. 847. 848. 849. 850. 851. 852. 853. 854. 855. 856. 857. 858. 859. 860. 861. 862. 863. 864. 865. 866. 867. 868. 869. 870. 871. 872. 873. 874. 875. 876. 877. 878. 879. 880. 881. 882. 883. 884. 885. 886. 887. 888. 889. 890. 891. 892. 893. 894. 895. 896. 897. 898. 899. 900. 901. 902. 903. 904. 905. 906. 907. 908. 909. 910. 911. 912. 913. 914. 915. 916. 917. 918. 919. 920. 921. 922. 923. 924. 925. 926. 927. 928. 929. 930. 931. 932. 933. 934. 935. 936. 937. 938. 939. 940. 941. 942. 943. 944. 945. 946. 947. 948. 949. 950. 951. 952. 953. 954. 955. 956. 957. 958. 959. 960. 961. 962. 963. 964. 965. 966. 967. 968. 969. 970. 971. 972. 973. 974. 975. 976. 977. 978. 979. 980. 981. 982. 983. 984. 985. 986. 987. 988. 989. 990. 991. 992. 993. 994. 995. 996. 997. 998. 999. 1000.*

likewise translate in that place, *Fringes*. They were  
in the forequoted places commanded, and our Sa-

viour Christ himselfe did wear them, *Luk. 8. 44.*

The latter Hebrew word signifieth a *large Fringe*,  
which aggravateth the superstition of the *Phari-*

*saes* in making their fringes *larger*, when the Law  
had allowed them *larger*. This literal exposition I

take to be most agreeable with the *Text*, though  
to *enlarge*, in *Greece* and *Latine*, sometimes, sig-

nifieth to *boast*, *vaunt*, or *bragge* of a thing, and in  
this sense it may very well be a *Pharisee*. The reason

of this command was to put them in minde of the  
commandements, *Numb. 15.* And for the furthe-

rance of this dutie, they used sharpe thornes in  
their fringes, that by the often pricking of the

thornes, when they walked on the hill, they  
might be the more mindfull of the Commande-

ments. There were seven sorts of *Pharisees*, *Pharisees*  
in *Jerusalem*. Hee surmounteth for gain, as the *Phari-*

*saes* suffer themselves to be crucified, as the *Phari-*  
*saes* were crucified, as the *Phari-*

*saes* were crucified, as the *Phari-*  
*saes* were crucified, as the *Phari-*

*saes* were crucified, as the *Phari-*  
*saes* were crucified, as the *Phari-*

*saes* were crucified, as the *Phari-*  
*saes* were crucified, as the *Phari-*

• To μαλακία  
apud Euripidem in  
Bacchu, valet,  
Magnifici iustare  
Efferre. Magnifica  
re apud Varonem  
• Plinius, eadem  
significatione usur-  
pat, vnde de  
in Mat. 23.  
• Hieron. in Mat.  
23.

• Talmud. tract.  
Sua cap 3.

• Hieron. in Mat.  
23.



when he walked abroad, to avoid the sight of women, in so much that he often dashed his head against the wall that the blood gushit out.

4 *Pharisæus quid debet facere, & facinus illud.* He was wont to say, *what ought I doe? and I will doe it.* Of this sort seemeth the man in the Gospel to have beene, who came unto christ, saying, *Good*

*Master what shall I doe?* and at last replied, *if these things I have done from my youth upward, Luk. 18.*

5 *Pharisæus mortariu.* So called because he wore a hat in manner of a deepe mortar, such as they use to bray spice in, in so much that he could not looke upward, nor of either side, onely downward on the ground, and forward or forth-right.

6 *Pharisæus ex amore.* Such a one as obeyed the law for the love of vertue.

7 *Pharisæus ex timore.* Such a one obeyed the law for feare of punishment. Hee that conformed for feare, had respect chiefly to the negative Commandments; but he that conformed for love, especially respected the affirmative.

CHAP. XI.

Of the Sadducees.

**T**O omit other Etymologies of the name, there are two onely which have shew of probabilitie. Some derive it from *Sedech*, *ἱππάρχου* *ἱππάρχου*, as if they had beene *Iustitaries*, such as would justifie themselves before Gods tribunall. There are that derive it and that upon more war-

ranable grounds, from *Sadoc*, the first Author of this heresie; so that the *Sadducees* were so called from *Sadoc*, as the *Antinomians* from *Antin*, the *Pharisees* from *Pharisi*, the *Danists* from *Danatus*,

This *Sadoc* lived under *Antigonus*, *Sachau*, who succeeded *Simon* the Just. Hee was *Antigonus* his Scholler, and by him brought up in the doctrine of the *Pharisees*, but afterward fell from him, and brought the heresie of the *Sadducees*, which heresie became it had much affinity with that which the Heretique *Dositheus* taught, hence are the *Sadducees* said to be a branch or Skirt of the *Dositheans*, though in truth *Dositheus* lived not till after *Christ*, and although these two heresies did agree in many things, yet in a maine point they differed. *Dositheus* beleaved the resurrection, the *Sadducees* denied it, and by consequence the *Dositheans* beleaved all other points necessarily flowing from this.

The occasion of this heresie was this. When *Antigonus* taught that wee must not serve God as servants serve their masters for hope of reward, his schollers *Sadoc* and *Baitbus* understood him, as if he had utterly denied all future rewards or recompence attending a godly life, and thence framed their heresie, denying their resurrection, the world to come, *Angels*, *Spirits*, &c.

Their *Doxmata*, *Canons*, or *Constitutions* were, They rejected the *Prophets*, and all other Scriptures, save only the five bookes of *Moses*. Therefore our Saviour when hee would confute their error, concerning the resurrection of the dead, he proves it not out of the *Prophets*, but out of *Exod*.

\* Epiph. heres. 14.

It. Tertullian. de  
prescript. cap. 45.

\* Origen. contra  
Celsum, lib. 2.

\* Epiph. heres. 13.

\* Aboth. cap. 1.

\* Ioseph. Antiq. lib.  
13 cap. 18.

3. 6. I am the God of Abraham, the God of Isaac, and the God of Jacob. *Matth. 22. 32.*

They rejected all traditions. Whence as they were called *Minai*, i. *Heretiques*, in respect of the general opposition between them and Pharisees. First, because the Pharisees were in repute the only Catholics. Secondly, because in their doctrine, the Pharisees were much nearer the truth than the Sadducees: So in respect of this particular opposition, in the ones rejecting the others surging of traditions, the Sadducees were termed *Karaim*, *Biblers*, or *Scripturists*.

*Elim in p. 130*

3. They said there was no reward for good works, nor punishment for ill in the world to come. Hence Saint Paul perceiving that in the Council the one part were Sadducees, the other Pharisees, he cried out, Of the hope, i. of the reward expected, and of the resurrection of the dead, I am called in question, *Acts. 23. 6.*

4. They denied the resurrection of the dead, *Acts. 23. 8.* *Matth. 22. 23.* *Luk. 20. 27.*

5. They said the souls of men are annihilated at their death.

*Joseph de bello lib. 2. cap. 12.*

6. They denied Angels and spirits, *Acts. 23. 8.*

*Joseph. 13. c. 9.*

7. They wholly denied Fate or Destiny, and ascribed all to mans Free-will.

The Samaritans and the Sadducees are of diverse affinitie: but yet they differ. First, The Samaritans sacrificed at the Temple built upon Mount Garizim: But the Sadducees sacrificed at Jerusalem. Secondly, The Samaritans allowed no commerce with the Jews, *John 4. 9.* yea the mutuall hatred betweene the Samaritans and the Jews was so

*Epihan. Tom. 7. lib. 1. heres. 14.*

great, that it was not lawfull for the *Jewes* to eat or drinke with the *Samaritanes*. How is it that thou being a *Jew*, askest drink of me which am a woman of *Samaria*? *Iohn* 4. 9. Nay, whereas libertie was granted unto all Nations of the earth to become *Profelytes* to the *Jewes*, so did the *Jewes* hate the *Samaritanes*, that they would not suffer a *Samaritane* to bee a *Profelyte*. This appeareth by that *solemne* & *Excommunication*, termed *Excommunicatio in secreto nominis tetragrammati*: the forme thereof, as it was applyed (say they) by *Ezra* and *Nehemiah* unto the *Samaritanes* was thus. They assembled the whole Congregation into the Temple of the Lord, and they brought 300. Priests, and 300. trumpets, and 300. bookes of the Law, and as many voyes, and they sounded their trumpets, and the *Leuites* singing cursed the *Samaritanes* by all the sorts of *Excommunication*, in the mysterie of the name *Iehovah*, and in the Decalogue, and with the curse of the superiour house of judgement, and likewise with the curse of the inferiour house of judgement, that no *Israelite* should eat the bread of a *Samaritane*, (whence they say, he which eateth of a *Samaritanes* bread, is as hee who eateth *Swines flesh*) and let no *Samaritane* be a *Profelyte* in *Israel*, and that they should have no part in the resurrection of the dead. *R.* *Gersom* forbade the breaking open of the Letters, under the penaltie of this *Excommunication*. This proveth what formerly was said, namely, that betweene the *Jewes* and the *Samaritanes* there was no commerce; but the *Sadduces* familiarly conversed with the other *Jewes*, even with the *Pharises* themselves, yea both sat together in the same Councell, *Acts* 23. 6. Now the *Samaritans*

*e* *Drusius* de trib.  
sect. lib. 3. cap. 11.  
*ex* *Hmedann.*

*Buxtorf*. *Epist.*  
*Hebr.* p. 59.

*Samaritanes* and *Sadduces* agree. 1 In the rejection of all traditions. 2 In the rejection of all other Scriptures save only the five books of *Moses*. 3 In the deniall of the resurrection and the consequences, of future punishments, and rewards according to mens works: but the *Samaritanes* held that there were *Angels*, which the *Sadduces* denied. For the prooffe of these agreements and disagreements betweene them, read *Ephraim* *heres*. 9. & 14.

Touching the *Samaritanes*, there are three degrees or alteration in their religion observable. First, the *Strange Nations* transplanted by *Shalmaneser* into *Samaria*, when *Israel* was carried away captive into *Assyria*, worshipped every one the God of their owne Countreies; 2 *King*. 17. Secondly, when they saw they were devoured by *Lions*, because they feared not the Lord, the King of *Assyria* sent one of the *Priests* which was taken captive, to instruct them in the true worship of God; which manner of worship though they received, yet they would not lay aside their former *Idolatrie*, but made a mixture of religions, worshipping the living God, and their owne *Idols*. Thirdly, *Manasses* brother to *Jaddus* the High Priest in *Jerusalem*, being married to *Sambathai*, the *Honim*es daughter, by reason of *Nehemiads* charge of putting away their *strange wives*, being driven to that exigent, that hee must either put away his wife, or forgoe the hope of the *Priesthood*; by *Sambathais* meanes he obtained leave from *Alexander* the Great, to build a Temple upon *Mount Garizim*, one of the highest mountaines in *Samaria*; whither many other apostated *Jewes* fled, together with

*Joseph. Antiq. lib. 11. cap. 3.*



with *Manasse* being made their High Priest; and now the Sect of *Samaritans* (between whom and the *Jews* there was such hatred) beganne, now all those fore-mentioned errors were maintained: And of this Hill it is, that the woman of *Samaria* speaketh, *John* 4. 20. Our fathers worshipped in this Mountain, &c.

By comparing the *Dogmata* of the *Pharisees*, with these of the *Sadduces*, we may perceive a manifest opposition betweene them, yet both these joyned against *Christ*, *Mark* 12.

This heresie though it were the grossest amongst the *Jews*, yet was it embraced and maintained by

some of the high Priests themselves: *Iohannes Hyrcanus* was a *Sadducee*, so were his sons *Aristobolus* and *Alexander*, and likewise *Annas* the younger, so that *Moses* chair was not amongst them exempted from error, no nor heresie.

<sup>1</sup> Euseb. hist. lib. 2.  
cap. 23. Ex Ioseph.  
Antiq. lib. 20. c. 8.

## CHAP. XII.

### Of the Essenes.

The *Etymologies* of the names *Essai*, or *Esseni*, or *Essenes*, are divers, that which I preferre is from the *Syriack* word, *Asa* signify-  
 ing *Physicians*, to heale or cure diseases: Hence are the men so often termed, *Esseni*, and the women amongst them, *Essenites*, that is, *Physicians*. For though they gave themselves chiefly to the studie of the *Bible*, yet withall they studied *Physicks*.

<sup>1</sup> Ioseph. de bello.  
A.C. 12. p. 786.

Their *Dogmata*, their ordinances, or constitutions, did symbolize in many things with *Pythagoras* his; where they do agree, therefore my purpose is first to name *Pythagoras* his; and then to proceed on with the *Essenes*. They follow thus.

# I

came, they repaired to the fraternity of the *Effenes*, and were there entertained as members of the same. And if wee doe attentively read *Iosephus*, we may observe that the *Effenes* of every City joyed themselves into one common Fraternity or College; every College had two sorts of officers: First, *Treasurers*, who looked to the common stock, provided their diet, appointed each his taske, and other publike necessaries. Secondly, *Others* who entertained their strangers.

e Rufin. lib. 20.  
f Ioseph. de bello  
lib. 2. c. 12.

2. *The Pythagoreans flann'd \* pleasures. \* So did the Effem's :* to this belongeth their avoiding of oyle, which if any touch'd unawares, they wiped it off presently.

de vna hyst. 12.  
cap. 32.  
Joseph de bello  
lib. 2. cap. 12.

3 The Pythagoreans garments were white : So were the Effenes white also, modell not costly : when once they put on a suit, they never changed till it was rorne or worne out.

<sup>1</sup> Laert. in vita  
Pythagora.  
<sup>2</sup> Philo

40 The Pythagoreans forbade froishes. So did the  
Ephesians; they thought him a noted liar who could  
not be believed without an oath.

<sup>1</sup> *Swidas, II. Lact.*  
tius.  
= *Ioseph. de bello*  
*lib. 2. cap. 12.*

15. The Pythagoreans had their Elders in singular respect. So had the Essenes: the bodie or whole company of the Essenes, were distinguished in priests, students into foure ranks or orders, according to their Senioritie, and if haply any of the superiour ranks, had touch'd any of the inferiour, hee thought himselfe polluted, as if he had touch'd an *Infidel*.

- Suidas.
- Philo de vita contemplativa.
- Laertius vita Pythag.
- Ioseph. Antiq.
- 18. cap. 1.

6 The Pythagoreans drank \* water. So did the  
\* Essenes only water, wholly abstaining from wine.

7 The Pythagoreans used no animal sacrifices, Inani-  
mate sacrifices : So did the Effenes : They sent gifts

to the Temple, and did not sacrifice, but preferred the use of their *holy water* before sacrifice, for which reason the other *Jews* forbade them all access unto the Temple.

8 The *Pythagoreans* ascribed \* all things to fate, or *Destinie*. So did the \* *Essenes*. In this *Aphorisme* all three sects differed each from other. The *Pharises* ascribed some things to Fate, other things to mans *Free-will*. The *Essenes* ascribed all to Fate, nothing to mans *Free-will*. The *Sadduces* wholly denied Fate, and ascribed all things to the *Free-will* of man.

9 The *Pythagoreans* the \* first five yeares were not permitted to speake in the Schoole, but were initiated per quinquennale silentium, \* and not untill then suffered to come into the presence of, or sight of *Pythagoras*. To this may be referred the *Essenes* silence at Table straightly observed, so that *Decem simul sedentibus, nemo loquitur invicem novem*. \* *Drusus* renders it, that tenne of them sitting together, none of them spake without leave obtained of the nine. When any did speake, it was not their custom to interrupt him with words, but by nods of the head, or beckonings, or holding their finger, or shaking their heads, and other such like dumbe signes and gestures, to signifie their doubtings, dislikeing, or approving the matter in hand. And to the time, of silence amongst the *Pythagoreans*, that it must be for five yeares, may be referred the initiation of the *Essenes*, for amongst them none were presently admitted into their *societie*, with full libertie, but they underwent four yeers of triall and probation. The first yeare they recei-

\* *Suidas*.  
\* *Ioseph. Antiq.*  
lib. 13. cap. 9.

\* *Quinquenne hoc silentium à Pythagora auditoribus suis indictum vocabant à quinquaginta cobibendo sermonem.*

\* *Laertius in Pythagor.*  
\* *Drusus de trib. sect. l. 4.*

<sup>1</sup> Ioseph. de bello  
lib. 2. cap. 12.

ved Dolabellam, <sup>1</sup> Perizoma, & vestem albam, a spadle with which they digged a convenient place to ease nature; a paire of breeches, which they used in bathing or washing themselves; a white garment, which especially that sect affected. At this time they had their commons allowed them, but without, nor in the common dining Hall. The second yeare they admitted them to the participation of holy matters, and instructed them in the use of them. Two yeares after they admitted them in full manner, making them of their corporation, after they had received an oath truly to observe all the rules and ordinances of the Effenes. If any brake his oath, an hundred of them being assembled together expelled him, upon which expulsion commonly followed death within a short time, for none having once entred this order, might receive almes or any meat from other; and themselves would feed such a one onely with distastefull herbs, which wasted his bodie and brought it very low; sometimes they would re-admit such a one being brought neare unto death, but commonly they suffered him to die in that miserie.

<sup>2</sup> Philo item Ioseph. <sup>10</sup> The Effenes <sup>2</sup> worshipped toward the Sunne rising.

<sup>3</sup> Ioseph. de bello. l. 2. <sup>11</sup> The Effenes bound themselves in their oath, to preserve the names of Angels: the phrase implyeth a kind of worshipping of them.

<sup>4</sup> Ioseph. ibid. <sup>12</sup> They were above all others strict in the observation of the <sup>5</sup> Sabbath day; on it they would dresse no meat, kindle no fire, remove no vessels out of their place, no nor ease nature. <sup>6</sup> Yea they observed ~~isidus~~ <sup>isidus</sup> ~~isidus~~, every seventh weeke, a solemn

<sup>7</sup> Philo de vita,  
contemplat.



lemne Pentecost, seven Pentecosts every yeare.

13 They abstained from marriage, not that they disliked marriage in it selfe, or intended an end or period to procreation, but partly in warinesse of womens intemperance, partly because they were perswaded that no woman would continue faithfull to one man. This avoiding of marriage is not to bee understood generally of all the Effenes, for they disagreed among themselves in this point. Some were of the opinion before noted: others married for propagation. *Nihilominus autem cum tanta ipsi moderatione conveniunt, ut per triennium explorent valitudinem feminarum, & si constanti purgatione apparuerint idonea partui, ita eas in matrimonia asciscunt. Nemo tamen cum pregnantē concumbit, ut ostendant quod cupide non voluptatis, sed liberorum causa inierint.* Thus the latter sort preserved their sect by the procreation of children: The former sort preserved it by a kinde of adoption of other mens children: counting them as neare kinsmen, and tutoring them in the rules of their owne discipline, as Iosephus witnesseth. <sup>a</sup> Plinie addeth also, that many other of the Jewes, when they beganne to be stricke in yeares, voluntarily joyned themselves unto them, being moved thereunto, either because of the variable state and troubles of the world, or upon consideration of their owne former licentious courses, as if they would by this meanes exercise a kinde of penance upon themselves.

Concerning the beginning of this Sect, from whom, or when it began, it is hard to determine.

Some make them as ancient as the *Rehabites*,  
and

<sup>a</sup> Plin. hist. lib. 3.  
cap. 17.

<sup>a</sup> Serapion Tricla-  
res lib. 3. cap. 90.

and the *Rechabites* to have differed onely in the addition of some rules and ordinances from the *Kenites*, mentioned *Idg.* 1. 18. And thus by consequence the *Effenes* were as ancient as the *Israelites* departure out of *Egypt*: for *Iethro*, *Moses* father in law, as appeareth by the text, was a *Kenite*: But neither of these seemeth probable. For the *Kenites* are not mentioned in Scripture as a distinct order or *Sect* of people, but as a distinct familie, kindred, or nation, *Numb.* 24. 21. Secondly, the *Rechabites*, they neither did build houses, but dwelt in tents, neither did they deale in husbandrie, they sowed no seed, nor planted vineyards, nor had any, *Jerem.* 35. 7. The *Effenes* on the contrarie, they dwelt not in tents, but in houses; and they employed themselves especially in husbandrie. One of the *Hebrew Doctors* saith, that the *Effenes* were *Nazarites*; but that cannot bee, because the law injoynd the *Nazarites* when the time of the consecration was out, to present themselves at the doore of the *Tabernacle* or *Temple*, *Number.* 6. Now the *Effenes* had no access to the *Temple*. When therefore, or from what Author this *Sect* tooke its beginning, is uncertaine. The first that I finde mentioned by the name of an *Effene*, was one<sup>h</sup> *Iudas*, who lived in the time of *Aristobulus* the sonne of *Ioannes Hyrcanus*, before our *Saviours* birth about one hundred yeares: Howsoever the *Sect* was of greater antiquitie; for all three, *Pharises*, *Sadduces*, and *Effenes*; were in *Jonathan's* time, the brother of *Iudas Macchabeus*, who was fiftie yeares before *Aristobulus*. Certaine it is that this *Sect* continued untill the dayes of our *Saviour*, and

<sup>1</sup> *Ioseph. Antiq. lib.*  
*18. c. 2.*

<sup>2</sup> *Ios. Scaliger in*  
*Tristarij. c. 23.*

<sup>h</sup> *Ioseph. lib. 13.*  
*cap. 19.*

<sup>1</sup> *Ioseph. lib. 13. c. 9.*

and after; for *Philo* and *Iosephus* speake of them as living in their time. What might bee the reason, then, that there is no mention of them in the *New Testament*? I answer: First, the number of them seemeth not to have beene great, in *Philo* and *Iosephus* his time; \* about foure thousand, which being dispersed in many Cities, made the faction weake, and happily in *Ierusalem* when our Saviour lived, they were either few or none. Secondly, if wee observe histories, wee shall finde them peaceable and quiet, not opposing any, and therefore not so liable to reprove as the *Pharisees* and *Sadducees* who opposed each other, and both joyned against *Christ*. Thirdly, why might they not as well bee passed over in silence in the *New Testament*, (especially containing themselves quietly without contradiction of others) as the *Rachabites* in the *Old Testament*, of whom there is mention onely once, and that obliquely, although their Order continued about three hundred yeares, before this testimonie was given of them by the *Prophet Ieremie*, for betwene *Ithra* (with whom *Ionadab* was coetanean) and *Zechariah*, Chronologers observe the distance of so many yeares. Lastly, though the names of *Essenes* be not found in Scripture, \* yet wee shall finde in Saint *Pauls* Epistles many things reprov'd, which were taught in the schoole of the *Essenes*. Of this nature was that advice given unto *Timothie*, 1 *Timoth.* 5. 23. *Drinke no longer water, but use a little wine.* Again, 1 *Timoth.* 4. 3. *Forbidding to marrie, and commanding to abstaine from meats, as a doctrine of Devils*: but especially, *Gale.* 2. in many passages the *Apostle* seemeth directly

\* *Philo lib. Quod omnis probus. pag. 678.*

\* *Vide Chemnic. ex em. conc. Trident. part. quart. p. 120.*

to point at them. Let no man condemne you in meat and drinke, *vers. 16.* Let no man beare rule over you, by humbleness of minde and worshipping of *Angels*, *vers. 18.* *in quadragesima*; why are yee subject to ordinances? *Vers. 20.* The *Apostle* useth the word *ἡσυχία*, which was applied by the *Essenes* to denote their *Ordinances*, *Aphorismes*, or *Constitutions*. In the verse following he gives an instance of some particulars. *Touch not, taste not, handle not,* *verse. 21.* Now the Junior company of *Essenes* might not touch their *Seniors*. And in their diet, their taste was limited to bread, salt, water and hyssop. And these ordinances they undertooke, *ἡσυχία ὡς πρὸς τὴν σοφίαν*, saith *Philo*, for the love of wisdom; but the *Apostle* concludeth, *vers. 23.* That these things had only, *ἡσυχία ὡς πρὸς τὴν σοφίαν*, a shew of wisdom. And whereas *Philo* termeth the religion of the *Essenes*, by the name of *διδασκαλία*, which word signifieth *religious worship*, the *Apostle* termeth in the same verse, *ἡσυχία*, *Voluntary religion*, or *will-worship*: yea, where he termeth their doctrine, *ἡσυχία φιλοσοφία*, a kind of *Philosophie* received from their forefathers by tradition, *Saint Paul* biddeth them beware of *Philosophie*, *vers. 8.*

We formerly observed two sorts of *Essenes*; *Practickes*, and *Theorickes*, both agreed in their *Aphorismes*, or *Ordinances*, but in certaine circumstances they differed.

1 The *Practickes* dwelt in the Cities, The *Theorickes*, shunned the Cities, and dwelt in gardens, and solitarie Villages.

2 The *Practickes* spent the day in manuell crafts keeping of sheepe, looking to Bees, tilling of ground,

ground, &c. they were *μητρον*, *Artificers*; The *Theorickes* spent the day in meditation, and prayers, whence they were by a kind of excellencie, by *Philo* termed, *ιητρον*, *Supplicants*.

3 The *Practickes* had every day their dinner and supper allowed them; The *Theorickes* onely their supper.

The *Practickes* had for their commons, every one his dish of Water-gruel, and bread; The *Theorickes* onely bread and salt: if any were of a more delicate pallas than other, to him it was permitted to eat hislop; their drink for both, was common water.

Some are of opinion that these *Theorickes* were *Christian Monks*, but the contrary appeareth, for these reasons:

1 In that whole booke of *Philo*, concerning the *Theorickes*, there is no mention either of *Christ*, or *Christians*, of the *Evangelists* or *Apostles*.

2 The *Theorickes* in that booke of *Philo's*, are not any new Sect of late beginning, as the *Christians* at that time were, as is cleerly evidenced by *Philo* his owne words. First, in calling the doctrine of the *Effenes*, *ἡγεσιον φιλοσοφία*, A Philosophy derived unto them by tradition from their fore-fathers. Secondly, in saying, *Habent priscorum commentarios, qui hujus se-  
cie auctores, &c.*

3 The inscription of that booke, is not only *βίον διαπονητά*, but also, *οὐκ ἡσυχία*: Now *Philo* <sup>b esse</sup> where calleth the whole Nation of the *Jewes*, <sup>b philo in prin.  
lib. de legat.  
c aium.</sup> which argueth that those *Theorickes* were *Jewes*, not *Christians*.



## CHAP. XIII.

## Of the Gaulonite, and the Herodians.

<sup>a</sup> Ioseph antiq. lib.  
 18. cap. 1.  
<sup>b</sup> Ioseph. l. 18. c. 2.

**O**ther factions there were among the *Jewes*, which are improperly termed *Sects*. Of these there were principally two. First, *Gaulonitæ*: Secondly, *Herodiani*. The *Gaulonitæ* had their names from one *Iudas*, who <sup>a</sup> sometimes was called *Iudas Gaulonites*, <sup>b</sup> sometimes *Iudas Galilæus*, of whom *Gamaliel* speaketh, *Acts* 5. 37. After this man arose up *Iudas* of *Galile*, in the dayes of the tribute. The tribute here spoken of, was that made by *Cyrenius*, sometimes called *Quirinius*, the name in *Greece* is one and the same, but differently read by *Expositors*. This *Cyrenius* was sent from *Rome* by *Augustus*, into *Syria*, and from thence came into *Iudæa*, where *Coponi- us* was *President*; and there hee raised this tax, which taxation is unadvisedly by some confounded with that mentioned, *Luke* 2. 1. Both were raised under *Augustus*, but they differed. First, this was onely of *Syria* and *Iudæa*; that in *Saint Luke* was universall of the whole world. Secondly, this was when *Archelaus*, *Herods* sonne, was banished into *Vienna*, having reigned nine years; that under *Herod the Great*: whence there is an observable *Emphasis*, in that *Saint Luke* saith, it was the *first* taxing, having reference unto this *second*. <sup>d</sup> The occasion of this faction was thus: When

<sup>a</sup> Ioseph. loco superius citato.

When *Cyrenius* leaved this tax, and seased upon *Archilaus* *Herods* sonnes goods, then arose this *Judas* opposing this tribute, and telling the people, that tribute was a manifest token of servitude, and that they ought to call none *Lord*, but onely him who was *Lord of Lords*, the God of Heaven and Earth. Whence those that adhered unto him, were called *Gaulonite*: they were also called *Galileans*.

\* It was their blood that *Pilate* mixed with their sacrifices, *Luke* 13. 1. For *Pilate* had not authority over the Nation of the *Galileans*. The <sup>e</sup> reason of this mixture is thought to bee, because the *Galileans* forbade sacrifices to be offered for the *Romane Empire*, or for the safetie of the *Emperour*, whereupon *Pilate* being incensed with anger, slew them whiles they were <sup>e</sup> sacrificing. To this facti-  
\* Occurimus. Añ. 5. 37. Theophylact. Luc. 13. 1. Theophylact. in Luc. 13.  
on belonged those murderers termed *Zealots*, mentioned, *Act*. 21. 38.

Concerning the *Herodians*, those that number them among *Heretiques*, make the herisie to consist in two things. First, in that they tooke *Herod* the Great for the promised *Messias*, because in his reigne, he being a stranger, the *Scepter* was departed from *Judah*, which was the promised time of the *Messiah* his coming. Secondly, they honoured him with superstitious solemnities, annually performed upon his birthday. Of *Herod* his birthday the *Poet* speaketh,

*Cum*  
*Herodis venere dies, unda aqne fenestra*  
*Disposita pinguem nebulam committere lucernae,*  
*Porrantes violas, subruinque amplexa latinum,*

no candida natat thyn, et in metalla fidelia vino.

Perf. Sar. rati. aboon. et in metalla fidelia vino.

Now whether this latter may bee referred to Herod the Great, I much doubt, because I finde not any Author among the Ancients, to speake of Herod the Great his Birthday: It was another Herod, Tetrarch of Galilee, otherwise called Antipas, whose birth day, was read celebrated, *Marks 6. 21.*

The former point, that the Herodians received Herod as their *Messiah*, though it hath many grave Authors avouching it, yet others justly question the truth thereof; for if the Herodians were Jews, (as most think) how then could they imagine, that Herod a stranger could be the *Messiah*, seeing that it was so commonly preached by the Prophets, and knowne unto the people, that the *Messiah* must be a Jew borne, of the tribe of *Judah*, and of the house of *David*.

Others say, that the Herodians were certaine flatterers in Herod his Court, varying and changing many points of their Religion with Herod their King, because

To omit many other conjectures utterly improbable, I incline to *San Hieronim*, whose opinion is, that the Herodians were those, who stood stiffely for tribute to be payed to *Cesar*. It concerned Herod, who at first received his Crowne from *Cesar*, to further *Cesar*s tribute, not onely in way of thankfulness, but also in way of policie, to prevent a possible depoling or disesteeming, for it was in *Cesar*s power to take away the Crowne againe, when pleased him. Now in respect that

Herod

<sup>1</sup> Epiph. Hæres. 30.  
et Theophrastus  
Matth. 22. 16. &  
ali. places.

<sup>2</sup> Hieron. Matth.  
22. 17.

<sup>3</sup> Theodor. Beza.  
Matth. 22. 16.

<sup>4</sup> Hieronym. Mat.  
22. 17.

*Herod sought to kill Christ, and the Herodians with the Pharises tooke counsell against him, unto this our Saviour might have reference, saying, Marke 8. 15. Beware of the leaven of the Pharises, and of the leaven of Herod, viz. of their contagious doctrine, and foxlike subtilties.*

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THE  
SECOND BOOKE  
treateth of places.

CHAP. I.

*Their Temple.*

**W**HEN the *Israelites* came out of *Egypt*; *Moses* was commanded to build a *Tabernacle* for the place of *Gods* publike worship. Afterward when they were settled in the promised Land, then *Salomon* was commanded to build a *Temple*.

These two shadowed the difference betweene the *Jewes Synagogue*, and the *Christian Church*. The *Tabernacle* was moveable, and but for a time; The *Temple* fixed, and permanent: the state of the *Jewes* vanishing, to continue in their generations; the state of *Christians* durable, to continue unto the worlds end. More principally it shadoweth forth the state of the *Church militant* here on earth, and *triumphant* in heaven: unto both the

Prophet

Prophet David alludeth; Lord who shall sojourn in thy Tabernacle? Who shall rest in thine holy mountain, Psal. 15. 1.

There were in the same tract of ground three hills *Sion*, *Moria*, and Mount *Calvarie*. On *Sion* was the Citie and Castle of *David*, on *Moria* was the Temple, and on mount *Calvarie* *Christ* was crucified. <sup>a</sup> But all these three were generally called by the name of *Sion*, whence it is, that though the Temple were built on *Moria*, yet the Scripture speaketh of it commonly as if it were on Mount *Sion*.

In the Temple there are these three things considerable: First, The *Sancta Sanctorum*, the *Holy of Holies*, answerable to our Quire in our Cathedral Churches. Secondly, the *Sanctum*, the *Sanctuarie*, answerable to the bodie of the Church. Thirdly, the *Atrium*, the Court, answerable to the Church-yard.

In the *Holy of Holies* there were the golden Censer, and the *Arke* of the Testament, *Hebr. 9. 4.*

In the *Arke* there were three things: First, The pot of *Manna*; secondly, *Aaron's rod* that budded; thirdly, The *Tables of the Testament*, *Heb. 9. 4.* Thus they were in *Moses* his time, but afterward in the dayes of *Salomon*, only the *Tables of the law* were found in the *Arke*, *1 King. 8. 9.*

The cover of this *Arke* was called *Incense*, the *Propitiatorie*, or *Mercie seat*, because it covered and hid the Law, that it appeared not before God to plead against man. It was a type of *Christ*, who likewise is termed *Incense*, our *Propitiation*, *Rom. 3. 25.* and *Incense*, a *Propitiatorie*, *1 Ioh. 2. 2.* At each

<sup>a</sup> Genebrard i i  
Chronog. lib. 5. An-  
no Mundi 3146.

<sup>b</sup> Sicut qui illud in  
apud Apostolum  
Heb. 9. 4. referunt  
ad τὸν κανῶνα, ut  
dicunt in Taberna-  
culo secundo, quod  
appellent Sancta  
Sanctorum, fuisse  
urnam manna, &  
virgam Aaronis,  
tabulasque fœderis,  
videl. urnam, &  
virgam ante Ar-  
cam. (ita Moses  
Kotsensis 110. 1.)  
tabulam autem in  
Arca.

each end of the *Mercy-seat* stood a golden *Cherub*, each *Cherub* stretched forth his wings, and from between them as from an *Oracle*, God gave his answer, *Exod. 25. 22.* Hence it is, that the Lord is said to sit between the *Cherubims*, *Psal. 99. 1.* The posture of the *Cherubims* was such, that their faces were each towards the other, but both looking downe towards the *Mercy-seat*; they fitly shadowed out the people of the *Jews*, and *Christians*, both looking toward each other, but both expecting salvation in *Christ* onely.

In the *Sanctuarie*, there was the *incense-altar* in the middle, and the table, with the twelve loaves of shewbread on it on the one side, and the candlestick on the other. The incense altar was a type of our prayers, *Psal. 141. 2.* And that this altar must bee once every year sprinkled with the blood of the sacrifice by the high Priests, *Levit. 16. 18.* teacheth that our very prayers, except they be purified by the blood of *Christ*, they are unavailable before God. The twelve loaves were a type of the twelve *Tribes*, and the candlestick a type of the word of God. In them all we may see the necessity of both ordinances required, *Prayer* and *Preaching*, if wee would bee presented acceptable unto the Lord: The *Candlestick*, was a type of *Preaching*; *Incense*, of *Prayer*.

In *Moses* his *Tabernacle*, there was but one table, and one *Candlestick*: in *Salomon* Temple, there were ten *Tables*, and tenne *Candlesticks*; as likewise in the Court of the *Tabernacle*, there was but one brazen Laver, in the Court of the Temple there were tenne, and another great vessel wherein the

Priests washed; in the Tabernacle there were but two silver Trampers; in the Temple there were an hundred and twenty Priests sounding Trampers.

The Courts of the Temple at the first were but two; *Atrium Sacerdotum*, the Priests Court; and *Atrium populi*, the people's Court.

In the Priests Court, were the brazen Altar for sacrifices, and the Laver for the washing both of the Priests, and the sacrifices. The Laver, and the Altar situated in the same Court, signified the same as the water and blood issued out of Christs side, namely, the necessary concurrence of these two graces in all that shall be saved, *Sanctification*, and *Iustification*. *Sanctification* inducted by the Laver, and *water*; *Iustification* by the Altar and blood.

• Joseph. 2. cap. 13.

The Court for the Priests, and the Court for the people, were separated each from other, by a wall of three Cubits high.

The Court for the people was sometimes called the *outer Court*, sometimes the *Temple*, sometimes *Salomons Porch*, because it was built about with porches into which the people retired in rainy weather; it had *Salomons* name, either to continue his memory, or because the porches had some resemblance of that porch which *Salomon* built before the Temple, *1 Kings 6. 3.* *John* walked in the Temple, in *Salomons Porch*, *Ioh. 10. 23.* All the people ran into the porch, which was called *Salomon*, *Act 3. 11.* Thence, this was called *Court*.

In the middle of the people's Court *Salomon* made a barren scaffold for the King, *1 Chron. 2. 13.*

This Court for the people went round about the Temple and though it was one Court in the

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daies.

daies of *Solomon*, yet afterward it was divided by a low wall, so that the men stood in the inward part of it, and the women in the ourward. This division is thought to have bene made in *Iehosaphat*'s time, of whom we read, that he stood in the house of the Lord, before the new Court, *2 Chron. 20. 5.* that is, before the womens Court.

There was an ascent of fifteene steps or staires betweene the womens Court and the new Altar, upon these steps the Levites sung those fifteene Psalmes immediately following the one hundred nineteenth, upon each step one Psalm, whence these Psalmes are intituled *Psalmi graduales*, Songs of degrees.

In the womens Court stood their *Treasures*, or almes box, as appeareth by the poore widowes casting in her two mites into it, *Luk. 21. 1.* In Hebrew it is termed *Korban*, the chest of oblations, the word signifieth barely, an oblation or offering, and accordingly Saint *Luke 21. 4.* saith, they all have their superfluities cast into the offerings, that is, into the *Korban*, or chest of offerings. In Greeke it is termed *Κορβαν*, whence commeth the Latine word *Gazophylacium*, A *Treasure*. That set up by *Iehoiada*, *2 King. 12. 9.* seemeth to have been different from this, and to have bene extraordinarie, only for the repairing of the Temple, for that stood beside the Altar in the Priests Court, and the Priests, not the parties that brought the gift, put it into the Chest. Sometimes the whole Court was termed *Gazophylacium*, a *Treasure*. These words spake *Iesus* in the *Treasure*, *John 8. 20.* It is worth our noting that the Hebrew word *קרבן* *Tsedika*,





*John 2. 20. This temple was build-  
ing. Many interpret it of the second Temple, say-  
ing, that Herod did only repair that, not build a  
new: but these disagree among themselves in the  
computation, and the Scripture speaketh peremp-  
torily, that the house was finished in the sixth year  
of the reign of King Darius, Ezr. 6. 15. and Josephus  
speaketh of Herods building a new Temple, plucking  
down the old. \* It seemeth therefore more probably,  
that the speech is to be understood of Herods Tem-  
ple, which though it were but eight yeares in build-  
ing, yet at this time when this speech was used, it  
had stood precisely forty six yeares, † for so many  
yeares there are precisely between the eighteenth  
yeare of Herods reign (at which time the Temple  
began to be built) and the yeare of Christ his Bap-  
tisme, when it is thought that this was spoken, all  
which time the Temple was more and more ador-  
ned, beautified, and perfected, in which respect it  
may be said to be so long building.*

The ancient men are said to weepe, when they  
beheld the second, because the glory thereof was  
far short of *Salomons*, Ezr. 3. 12. It was inferior  
to *Salomons Temple*, First, in respect of the building,  
because it was in lower and meaner. Secondly, in  
respect of the vessels, being now of brasse, which  
before were of pure gold. Thirdly, in respect of  
five things, lost and wanting in the second Temple,  
all which were in the first. First, there was wan-  
ting the Ark of God; Secondly, *Prin* and  
*Thummim*; God gave no answer by these two,  
as in former times; Thirdly, *Fire*, which in the  
second Temple never descended from heaven to

*† Vid. Hospius.  
de Orig. Templi c. 3.*

*† Vide Supputatio-  
nem suæciani  
anno 3. 47.*

*† Hospius. ex  
Talmudistis de O-  
rig. Templi cap. 3.*

*† D. Kimchi in  
Hagg. 1. 8. Eadem  
scribit Rabbi Solo-  
mon ibid.*

consume their burnt offerings, as it did in the first: Fourthly, the glory of God appearing between the Cherubims, this they termed שכינה *Schecina*, the habitation, or dwelling of God, and hereunto the Apostle alludeth, In him dwelleth the fulnesse of the God-head *bodily*, *Coloss. 2. 9.* Bodily, that is, not in clouds and ceremonies, as betweene the Cherubims, but essentially. Lastly, the Holy Ghost, namely, enabling them for the gift of Prophecie; for betweene *Malachie* and *Iohn the Baptist*, there stood up no Prophet, but onely they were instructed *per filiam vocis*, which they termed בִּקְוֶה *Bath-Kol*, an *Eccho* from heaven, and this was the reason why those Disciples, *Mat. 19. 2.* said, Wee have not so much as heard whether there bee an Holy Ghost.

Here it may bee demanded how that of the Prophet *Haggai* is true; *The glorie of this last house shall bee greater than the first*, *Hag. 2. 10.* I answer, *Herods Temple* which was built in the place of this, was of statelier building than *Solomons*, and it was of greater glorie, because of *Christ* his preaching in it.

*Herods Temple* was afterward so set on fire by *Titus* his souldiers, ° that it could not be quenched by the industry of man: ° at the same time the Temple at *Delphi*, being in chiefe request among the Heathen people, was utterly overthrowne by earth-quakes and thunder-bolts from Heaven, and neither of them could ever since be repaired. The concurrence of which two miracles evidently sheweth, that the time was then come, when God would put an end both to *Jewish Ceremonies*, and *Heathenish*

° *Genebrard. Chron.*  
l. 2. anno Christi 69.  
° *Theodore. L. 3.*  
cap. 11. *Soromenus*  
l. 5. c. 19, 20, 21.

with Idolatry, that the Kingdome of his son might be the better established.

CHAPTER II.

*Their Synagogues, Schooles, and Houses.*

*of Prayer.*

**T**HE word *Synagogue* is from the Greek *synagoge*, to gather together, and it is applied to all things whereof there may bee a collection, as *synagoge* *epistolou*, *synagoge* *laetitia*, *synagoge* *modorum*, collected in *eorum que sunt ad bellum necessaria*. God standeth in *synagoga* *Deorum*, in the assembly of Judges; but *Synagogues* are commonly taken for houses dedicated to the worship of God, wherein it was lawfull to pray, preach, and dispute, but not to sacrifice. In Hebrew it was called *Beith Hachneseth*, the house of Assembly. The Temple at Jerusalem, was as the Cathedral Church; The Synagogues, as petty Parish Churches belonging therunto.

Concerning the time when *Synagogues* began, it is hard to determine. It is probable that they began when the Tribes were settled in the promised Land: The Temple being then too farre distant for those which dwelt in remote places, it is likely that they repaired unto certaine *Synagogues* in stead of the Temple. That they were in Davids time appeareth; They have burnt all the *Synagogues* of God in the Land, *Psalm 138*. And Moses of old time had in every City, them that preached him, being read in the *Synagogues* every Sabbath day, *Acts 13*.

<sup>a</sup> Sigonius de rep.  
Hebr. lib. 2. cap. 8.

In *Ierusalem* there were <sup>a</sup> foure hundred eighty *Synagogues*, beside the *Temple*, partly for *Jews*, partly for *strangers*: one for *strangers* was called the *Synagogue of the Libertines*, *Acts* 6. 9. Whence it had that name, whether from the *Roman Libertines*, such as had served for their freedome, being opposite to the *Ingenui*, those that were free-borne, (for many of those *Libertines* became *Profelytes*, and had their <sup>b</sup> *Synagogues*,) or whether it were from <sup>c</sup> *Liban*, signifying an high place (for as their *Temple*, for their *Synagogues* and *Schooles*, were built on hills and high places) because it is said, *Prov.* 1. 21. *Wisdom* calleth in high places; I leave to the judgement of the Reader.

<sup>b</sup> Philo in *legatad*  
*Caum*.  
<sup>c</sup> Vide *Tremel*.  
*Acts* 6. 9.

Out of *Ierusalem*, in other *Cities* and *Provinces*, were many *Synagogues*: there were *Synagogues* in *Galile*, *Matth.* 4. 23. *Synagogues* in *Damascus*, *Acts* 9. 2. *Synagogues* at *Salamis*, *Acts* 13. 5. *Synagogues* at *Antiochia*, *Acts* 13. 14. Yea their tradition is, that <sup>d</sup> wheresoever ten men of *Israel* were, there ought to be built a *Synagogue*.

<sup>a</sup> Maimon, in *Ye-*  
*shilla*. c. 11. §. 1.

<sup>c</sup> Buxtorf. de ab-  
breuiatur. pag. 73.  
181. 174.

Their *Synagogues* had <sup>a</sup> many inscriptions; over the gate was written that of the *Psalm* 118. 20. This is the gate of the Lord, the righteous shall enter into it. In the walls these and the like sentences; Remember thy Creator, and enter into the house of the Lord thy God in humilitie. And, Prayer without attention, is like a body without a soule. And, silence is commendable in time of Prayer.

As the Courts of the people before the *Temple*, were distinguished by a wall into two rooms, the one for men, the other for women: so in the *Synagogues*, the women were separated from the men,

by



by a partition of lattice, or wire-work.

In the *Synagogue*, the Scribes ordinarily taught, but not onely they, for Christ himselfe taught in them, &c. Hee that gave libertie to preach there, was termed *Exarchus*, The Ruler of the *Synagogue*. There was also a Minister who gave the booke unto the Preacher, and received it againe, after the text had been read. Christ loved the booke, and gave it againe to the Minister, Luk. 4. 20. This is probably him whom they called *Shammay* or *Shimon*, the Minister or Clerk of the *Synagogue*.

Their Schooles were different from their *Synagogues*. Paul having disputed for the space of three moneths in the *Synagogue*, because divers beleaved not, but spake evill of that way, hee departed from them, and separated his Disciples, disputing dayly in the Schooles of one *Tyrannus*, Acts 19. 8, 9, 10.

Their Schoole sometimes is called *Beit* an house, simply, as appeareth by that saying, *Beit* *Shammay* *de quibus contentio fuit inter dominum Sammam, & dominum Hillel, ne Elias quidem abolere posset.* Those eighteene matters controverted betweene the house of *Shammay*, and the house of *Hillel*, Elias himselfe could not decide: that is, betweene their two Schooles. Sometimes it is called *Beit* *hachochim*, an house of subill and acute exposition. Here points were more exactly and profoundly discussed, than in the *Synagogue*, or Temple: whence they held it a profounder place for exposition, than the Temple. To this purpose tend those sayings, *They might turne a Synagogue into a Schoole, but not a Schoole into a Synagogue, for the sanctity of a Schoole is beyond the sanctity of a Synagogue.* And that

<sup>1</sup> Paraphrast. Chal. growth from *verine* to *verine*; <sup>2</sup> *Salut. 8. 4. 7.* \* they interpret, a kinde of promotion, or degree, in removing from their Temple to their Schoole. In their Temple, their Sermons were as it were *Ad populum*; in their Schooles, *Ad Clerum*.

As they had Synagogues, so likewise Schooles, in every Citie and Province, and these were built also upon hills. There is mention of the hill *Morab*, *Judges 7. 1.* that is, the *Hill of the Teacher*.

The Masters when they taught their Schollers, were said to *give*; *Give unto the wife, and he will be wiser*, *Prov. 9. 9.*

The Schollers when they learned any thing, were said to *receive* it: *Heard my sonne, and receive my words*, *Prov. 4. 10.* Hence is that of the Apostle, This is a true saying, and by all means worthy to be received, *1 Timoth. 1. 15.* that is, *learned*: the like phrases of speech are in use among the *Latins*.

Whether their *Oratories* or places of prayer called *Proseucha*, were different places from their Schooles or Synagogues, I have not yet learned. That some of these were without the City, that proverb nothing, for so might Synagogues, and Schooles too.

*Epiphanius*, treateth of these *Oratories*, but there he speaketh not one word to shew the lawfulnessse of civill busineses to be done in them: could that be proved, a difference would easily bee shewen. Some say they were *Synagogues*, others *Schools*.

Of this house of Prayer, mention is made *Acts 16. 23.* in which Saint Paul sat downe and spake unto the women: which gesture intimateth rather preaching than praying: true, all gesture was in use for prayer, standing, kneeling, sitting; *Abraham stood before*

<sup>1</sup> Da si grave non  
est. *Her. lib. 2. Sa-  
tyr. 2.*

*Sed tamen iste Do-  
m. quisi, de Tyle-  
re nobis. Vir. Bucol.  
Accipe nunc Da-  
naum infidus. --  
Verg. Aeneid. 12.*

<sup>2</sup> *Epiphani. Tom. 2.  
lib. 3 cap. 80.*

<sup>1</sup> *Boza. Act. 16. 23.*  
<sup>2</sup> *Philo. I. vide vi-  
ta. Mosis. p. 530.*

before the Lord, Gen. 22. 12. after it, he prayed. The  
 Publican stood, & sorrowfully prayed, Luke 18. 13.  
 whence by way of proverbe they said, *Time fitis*  
*nilis non subsistit mundus*. Were it not for standing,  
 the world could not stand. *Stans incedit*, 18. 7.  
 18. would stand before the Lord, and bid, 2 Sam. 7.  
 18. yet sitting, when the speech is to the people,  
 not to the Lord, implicth preaching, not prayer. It is  
 probable, that at the gate of the Temple, so at the  
 gate of these Oratories, the poster sort of people  
 assembled to expect him: whence some use the  
 word *Profectus*, to signify an *Hospital*.

*A. Indain lib.*  
*Musar. vide Druf.*  
*par. Matth. 6. 5.*

The *Talmudists* taxed the peoples negligence  
 in prayer, saying, they used three sorts of *Amen*,  
 and all faulty: *Asinus Amen*, when they prayed with  
 out fervencie: *Asinus Amen*, when they said *Amen*  
 before the prayer was done: *Asinus Amen*, when  
 they pronounced it at length, as if they were asleep,  
 dividing the word *Amen*. The first they termed  
*Maran*, *Terbanan*, *pasillan*. The second *Maran*, *Ch-*  
*rupha*, *Sorrepissan*. The third, *Maran*, *Ketagna*,  
*Sedile quasi in duas partes scilicet per aspidantiam*.

*Quid te quare*  
*Profectus? inven.*  
*Sat. 3.*  
*Canimus de locis*  
*N. T. 18. 18. 18.*  
*p. 18. 18. 18. 18.*

### CHAP. III.

#### Of the Gates of Ierusalem.

THE Gates of the whole circuit of the  
 wall about Ierusalem were nine: The  
 Sheep gate, Nehem. 3. 1. This was nere the  
 Temple, and thorow it were led the Sheep which  
 were to bee sacrificed, being washed in the pool

*A. Indain pona-*  
*dot.*

St. Hieron. de  
Hier. 1. 2. c. 12.

2. c. 12. Hier. 1. 2. c. 12.

Jerusalem near the Gate & the Fish gate, & Hier. 1. 2. c. 12. before this time is thought to have hanged himself. Some think that these two Gates, and likewise the *Waterside* & *Nehemiah's* were so called, because they were in manner of streets for all manner of trades, and at the one Gate, they were at the other, and at the third, buyers were sold. The Old gate was so called, because it was supposed to have remained from the time of the Hebrews, and not to have been destroyed by the Assyrians, it was near Calvary, and within this Gate Christ was crucified. Concerning the other Gates little is spoken.

St. Hieron. de  
Hier. 1. 2. c. 12.

St. Hieron. de  
Hier. 1. 2. c. 12.

Touching the gates of the Temple, there were two of principall note, both built by Salomon, the one for those that were new married; the other for mourners and excommunicate persons. The mourners were distinguished from the excommunicate persons, by having their lips covered with a shirt of their garment, and an entrance at the gate with their lips covered, but such as were excommunicate. Now they speak which on the Sabbath dayes saye betweene one those gates, Give unto the new married, Hee, whose name dwelleth in this house, glad thee with children; unto the mourner, Hee, which dwelleth in this house, glad and comfort thee; unto the excommunicate, Hee, which dwelleth in this house, move thy heart to hearken to the word of thy fellowe.

St. Hieron. de  
Hier. 1. 2. c. 12.

Among the Jewes, the gates were places of chief strength, so that the being taken off the Lord, the whole Chie was taken or defended; and they were chief places of judgement, for in them, judgments were won, and in the side of the city, hence proceeded the judgments. The gates of the city





## L. 142. of their Groves, and high places.

• *Populus Alida*  
*gratissima, visis*  
*lancea,*  
*Formosa myrtus*  
*Veneris, sua Laureae*  
*Phaebus,*  
*Virg. Eclog. 7.*  
*• Plin. l. 16. Hist.*  
*lib. 16. cap. 44.*  
*• Maximus Tyrius*  
*Serm. 38. fol. 235.*  
*edit Steph.*

worshipped from which their Idols many times were named. At last, some choice and select ones began to be consecrated. Those *French Maids*, termed *Dryades*, worshipped the Oak, in *Greek* termed *ΰλη*, and thence had their names. The *Estrurians* worshipped an *Holme tree*. And amongst the *Celte*, a tall Oak was the very Idol, or image of *Jupiter*.

Among the *Israelites*, this Idolatry began under the *Judges*, *Othniel*, and *Ehud*, *Judg. 3. 7.* and at the last it became so common in *Israel*, that they had peculiar Idols, whom they termed *Teraphims* of the *Grove*, *1 King. 18. 18.* and *Idols of the Grove*, that is, peculiar Idols, unto whom their Groves were consecrated, *2 King. 21. 7. 2 Cor. 10. 10.* Ascribing in the consecration of their Churches, make the chief choice of some peculiar Grove, by whose names they call them, as *Saint Peter's Church*, *Saint Paul's*, *Saint Andrews*, &c. So they consecrated their Groves unto particular Idols, whence in prophane Authors we read of *Diana Nemorensis*, *Diana Ardeennensis*, *all these Deities* all receiving their names from the Grove in which they were worshipped: yet the Idols themselves sometimes called by the name of a Grove; *Idols of the Grove*, &c. from the house of the Deity, *2 King. 23. 6.* It is probable, that in this *Idol* was portrayed the form and similitude of a Grove, and thence was called a Grove, as those silver simulacra of *Dionysus*, *Terracotta* made by *Dionysius*, were termed *Teraphims*, *Idols*, *Idols of the Grove*, &c.

CHAP. V.

*Their Cities of Refuge*

**T**hese places of Refuge, appointed by God, differed from those of *Hercules*, and *Romulus*, and other *Heathens*, because God allowed safety only to those, who were guiltless in respect of their intention: but the others were common Sanctuaries, as well for the guiltie as the guiltless. If any man did fortuitously or by chance kill another man, in such a case liberty was granted unto the offender to flee; at first unto the *Altar* for refuge, as is implied by the text of Scripture, If any man come presumptuously unto his neighbour, to slay him with guile, thou shalt take him from mine *Altar*; *Exod. 21. 14*. Yea we may conjecture this custome of refuge, to have continued in force alwayes by the practice of *Isab.* 1 *King. 2. 28*. Notwithstanding, lest the *Altar*, might bee too farre distant from the place, where the fact might be committed, it is probable, that therefore God ordained certaine *Cities*, or *Cities of Refuge*, which for the same reason, are thought to have beene equally distant one from the other in *Canan*. These Cities were in number six; *Bezer* of the *Rubenites* Country; *Ramoth* in *Gilead* of the *Gadites*; and *Golan* in *Basan* of the *Manassites*. These three *Cities* separated beyond *Jordan*; *Deut. 4. 41. 43*. The other three appointed by *Isaiah* in the Land of *Canan*, were *Gadsh* in *Gad*; *Yamth* in *Naphthali*;

• R. Salom. lxxviii  
Deut. 19. 3.

Deut. 19. 3.

*Naphtali*; *Schechem* in *Ephraim*; and *Kiratharba* (which is *Hebron*) in the mountaine of *Judah*, *Joshua* 20. 7. Three other Cities of like nature, God promised the *Israelites*, upon condition of their obedience, after their coasts were enlarged; but it seemeth that disobedience hindered the accomplishment thereof, for Scripture mentioneth not the fulfilling of it.

Concerning these Cities, the *Hebrew* note from these words, *Thou shalt prepare the way*, *Deut.* 19. 3. That the *Senate*, or *Magistrates* in *Israel*, were bound to prepare the wayes to the Cities of *Refuge*, and to make them fit, and broad, and to remove out of them all stumbling blockes and obstacles; and they suffered not any hill or dale to be in the way, nor water-streams, but they made a bridge over it, that nothing might hinder him that fled thither. And the breadth of the way to the Cities of *Refuge*, was not lesse than two and thirty Cubits, and at the partitions of the wayes, they set up in writing, *Refuge*, *Refuge*: that the manslayer might know and turne thitherward. On the fifteenth of the month *Adar*, or *Februarie*, every yeare, the *Magistrates* sent out messengers to prepare the wayes.

Furthermore it was provided, that two or three wise men should be employed, to perswade the *Avenger of blood*, if haply hee did pursue the manslayer on the way, that he should offer no violence, untill the cause were heard & examined. The manner of examination was thus, the *Consistorie* or *Bench of Justice*, who lived in that quarter, where the murder was committed, placed the party, being brought backe from the Cities of *Refuge*, in the Court

*Maimon. in Ref-  
fuch. c. 9. §. 5.*

*Exodus* 21. 13.  
*Deuter.* 19. 3.

*Phil. For Num.*  
*Deut.*

Court or judgement Hall, and diligently enquired and examined the cause, who if he were found guilty of voluntary murder, then was he punished with death, but if otherwise the fact were found casuall, then did they safely conduct the party back againe to the *Citie of Refuge*, where he enjoyed his liberty, not onely within the wals of the Citie, but within certaine territories and bounds of the Citie, being confined to such and such limits, untill the death of the high *Priest*, that was in those dayes, at what time it was lawfull for the offender to returne and come into his owne City, and unto his owne house, even unto the Citie from whence he fled, *Iosb. 20. 6.* By this means the offender, though hee was not punished with death, yet hee lived for the time a kind of exile for his owne humiliation, and for the abatement of his wrath, who was the *Avenger of blood*, <sup>a</sup> The *Arcopagite* had a proceeding against casuall man-slaughter, not much unlike, punishing the offender *ἀνυσταλικοῦ*, with *an yeares banishment*: why the time of this exilement was limited to the death of the High *Priest* at that time, is not agreed upon by Expositors. But it is most probably thought, that the offender was therefore confined within that Citie as within a prison, during the High *Priests* life, <sup>b</sup> because the offence did most directly strike against him, as being amongst men *ἀρχιερεῶν, ἀρχιερεῶν*, *ac princeps sanctitatis*,  
*The chiefe God on earth.*

<sup>a</sup> *Masius in Ios. cap. 20.*

<sup>b</sup> *Masius ibid.*

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Count of the Court Hall and diligently conducted  
 and examined the same; when he was found guilty  
 of voluntary murder, then was he punished with  
 death, but afterwards the law was found casual,  
 then did they hastily conduct the party back again  
 to the City of Asaga, where he enjoyed his liberty,  
 not only within the walls of the City, but within  
 certain borders and bounds of the City, being  
 confined to look and look limits, until the death  
 of the High Priest, that was in those days, at what  
 time it was lawful for the offender to return and  
 come into his own City, and into his own house,  
 even into the City from whence he fled, Job. 20.  
 6. By this means the offender, though he was not  
 punished with death, yet he lived for the time a  
 kind of exile for his own humiliation, and for the  
 abatement of his wrath, who was the danger of  
 blood. The Scripture had a proceeding against  
 casual man-slaughter, not much unlike, punishing  
 the offender with a year's banishment: with an year's banishment:  
 why the time of his exilement was limited to the  
 death of the High Priest at that time, is not agreed  
 upon by Expositors. But it is most probably  
 thought, that the offender was therefore confined  
 within the City as within a prison, during the  
 High Priest's life, because the offender did most  
 directly strike excommunication, as being amongst  
 men, as we see, in principle, that is, in  
 the City.





THE  
THIRD BOOKE  
TREATETH OF DAYES  
and Times.

CHAPL. 8.

*Their Dayes, Houres, weeks, and Retret.*



Before wee treat of their Feasts,  
it will bee needfull by way of  
Preface, to understand some-  
what concerning the divisions  
of their Dayes, Houres, Weekes,  
&c.

Their Day was twofold:  
Naturall, & containe day and  
night, and consisting of 24. houres: or Artificiall,  
beginning at sunne rising, and ending at sunn set.  
Of this is that, *Are there not twelve houres in the day?*  
The Naturall day was againe two-fold, *Cloud, a*  
*working*

## LIB. 3. Their Dayes, Houres, weeks, and Yeeres.

working day, which was destined for civill busineses and workes: this beganne at *Sunn rising*, and held till the next *Sunn rising*, *Matth. 28. 1.* or *Sacred*, a Festivall or Holy-day, destined for holy exercises: this beganne at *Sun set*, and continued till the next *Sunne set*.

Their night was divided into foure quarters, or greater houres, termed foure watches, each watch containing three lesser houres. The first they called *Caput Vigiliarum*, the beginning of the watches, *Lament. 2. 19.* The second, was the middle watch, *Iudg. 7. 19.* not so termed, because there were onely three watches, as *Drusius* would perswade, but because it dured till *mid-night*. The third watch beganne at *mid-night*, and held till three of the clock, in the morning. If hee come in the second, or third watch, *Luke 12. 38.* The last, called the morning watch, *Exod. 14. 24.* began at three of the clocke, and ended at six in the morning. In the fourth watch of the night, *Iesus* went out unto them, *Matth. 14. 25.* These Watches also were called by other names, according to that part of the night which closed each watch. The first was termed *The Even*, The second *midnight*, The third *cock-crow*, The fourth *the Dawning*. *Iee know not when the Master of the house will come, at Even, or at Midnight, or at Cock-crowing, or at the Dawning, Mark. 13. 35.*

The day was likewise divided into foure quarters, as appeareth by the Parable of the Labourers hired into the Vineyard, *Matth. 20.* The first quarter beganne at six of the clocke in the morning, and held till nine. The second quarter ended at twelve

twelve of the clock. The third quarter at three in  
the afternoon. The fourth quarter at six of the night.  
The first quarter was called the *third house*, *vers. 3.*  
The second quarter the *fourth house*, *vers. 4.* The  
third quarter the *ninth house*, *vers. 5.* The last quar-  
ter the *eleventh house*, *vers. 6.*

Where note, that the three first quarters, had their names from that houre of the day, which clocked the quarter, (for they beganne the count of their lesser houres, from six a clocke in the morning) and our 6, 7, 8, 9, 10, 11, 12, 1, 2, 3, 4, 5, 6, was the title of 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, only the last was called the eleventh houre, by our *Serious Christ*, whereas among the common people, it either was called, or should have been called by proportion with the rest, the twelfth houre, to intimate unto us, that though God in his mercy accept laboures into his vineyard *eleven houres* of the day, yet hee seldom calleth any at the twelfth, for that is rather an houre to discharge servants, than to aduise new.

Some Expositors finding many of the day  
ing of the day in this Parable, say, <sup>1</sup> They reckon  
the 4 quarters of the day after this manner. *Here*  
*prima Hora incipit, Hora sexta, Hora nona.* Whereas  
first they are in reckoning the *Dawning* of the day for  
the first *hour* of the day, for so is the *Dawning*, sig-  
nifieth the last quarter of the night, called the *Mor-*  
*ning watch*. Secondly, they were in making the last  
quarter of the day to be the ninth *hour*, for what  
then shall become of the *eleventh hour*, mentioned  
in the same Parable?

By this division of the day into the four quarters (quarta) the day is divided into four parts, the first of which is the morning, the second the afternoon, the third the evening, and the fourth the night. In the morning the Evangelists are reconciled with the Father, in the afternoon with the Son, in the evening with the Holy Spirit, and in the night with the Church.

touching our Saviours Passion. He was crucified at the third houre, *Mark. 15. 25*; *Saint Iohn* intimateth his examination before *Pilate*, to have beene *Hora quadragesima*: About six a clock, *Ioh. 19. 14*. In the first place, understand by his crucifying, not his hanging on the Crosse, which was not till the sixth houre, *Luke 23. 44*. nor his expiration, which was not till the ninth houre, *Marke 15. 34*. but his examination under *Pilate*, at which time the people cryed out, *Crucifie him, Crucifie him*; and then the third and sixth houre will easily be reconciled, for these two houres immediately following one another, what was done on the third houre, might truly bee said to be done about the sixth.

Lastly, this sheweth that the houres among the *Jews* were of two sorts: some lesser, of which the day contained twelve: others greater; of which the day contained foure, as hath beene above shewen: the lesser are termed *houres of the day*, are there not twelve houres in the day? *Iohn 11. 9*. The greater some terme *houres of the Temple*, or *houres of prayer*: *Peter and Iohn* went up into the Temple, at the ninth houre of prayer, *Act. 3. 1*. But in truth there are but three houres of prayer, the third, the sixth, and the ninth. The third instituted by *Abraham*, the sixth by *Isaac*, and the ninth by *Jacob*. The third houre the holy Ghost descended upon the Apostles, *Act. 2. 15*. About the sixth, *Peter* went up to the house top to pray, *Act. 10. 9*. At the ninth, *Peter and Iohn* went into the Temple, *Act. 3. 1*.

From these greater houres of the day and night the Canonical houres in use in the *Romane Church* had their beginning; each Canonical houre containeth

*Drusius in pre-*  
*ferit. Act. 1. 13*  
*twice utraque in*  
*die apud Iudeos*  
*claretur. Act. 10. 9*  
*vid. Knoch.*

*vid. Bellarm. de*  
*bono op. in per-*  
*ib. 1. cap. 10. then*  
*quod in sol. 2. 1. 1.*

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with three lesser houres, so that in the whole night and day, there are eight *Canonical houres*. At six of the clock in the evening began the first, and that is termed *Hora vespertina*, or *vespertinum* simply (*officium* being understood) their *Vespertine*. At nine of the clock at night began the second, and that is termed *Completorium*, their *Completory*. At midnight began the third, *Nocturnum*, their *Nocturne*. At three of the clock in the morning, being their *Matutinum*, their *Matines*. The Canonical houres for their day-service were named, *Hora prima, tertius, sexta, nona*. Their first houre began from six of the clock in the morning, and held till nine; the third from nine till twelve, the sixth from twelve till three, the ninth from three till six at night.

The Diall in use among the ancient *Hebrews*, differed from that in use among us: theirs was a kinde of staires, the time of the day was distinguished not by lines, but by steps, or degrees, the shade of the Sunne every halfe houre moved forward to a new degree. In the Diall of *Ahaz*, the Sunne went back *in syon* *Magnoloth*, degrees, or steps, not lines, *Isai.* 38. 8.

Their weekes were twofold: the one was ordinary, consisting of seven dayes: the other extraordinary and Propheticall, consisting of seven yeeres, *Dan.* 9. 24. The first is termed *Hebdomas diastia*, a week of dayes: the second, *Hebdomas annalis*, a weeke of yeeres.

The *Hebrews* at first, measured their moneths according to the course of the Sunne, whence they are called *Manfes Solares*: and then every moneth consisted of thirty dayes. The waters prevailed from the

the



**L. 12. of their Dayes, Moones, Weeks, and Yeares.**

the seventeenth day of the second moneth, Gen. 7. 13. into the 17. day of the seventh moneth, Gen. 8. 13. which is, full five moneths. If we will number the dayes, they were an hundred and fiftie, Gen. 7. 24. Whereby it appeareth, that every moneth contained full thirty dayes. After the *Israelites* departure out of *Aegypt*, then they measured their moneths by the course of the Moon; they are termed *Menses Lunares*; they contained either thirty dayes, and then they were called *Menses plen*, full moneths: or twenty nine dayes, and then they were called *Menses cavi*, Deficient moneths.

*Vid. Kalendarium Hebraicum Munsteri. pag 62.*

The *Sunne* exceedeth the *Moon*, in her course eleven dayes, hence every third or second yeare, one moneth was inserted. Now because the twelfth moneth in the *Hebrew* Kalendar was called *Adar*, hence when a moneth was inserted, the last was called *Readar*, the second *Adar*.

Before their captivity in *Babylon*, they counted their moneths without any name, according to the number. The *First*, *Second*, *Third* moneth, &c. After their returne from *Babylon*, they called them by these names:

1. *Nisan*, it was also called *Abib*, which signifieth an ear of *corne*, in this moneth Barley began to be reared.

2. *Iyar*, it was also called *Sivan*, which signifieth beauty, then the trees began to be beautified with buds and blossoms.

They answered to parol

1 March.

2 April.

3 April.

2 May.

3. *Sivan*



## CHAP. II.

*Of their Feasts.*

אדרח ab  
ארוחרת iter  
facere, significat  
viaticum.

**B**EFORE we descend to their particular *customs*,  
we will see the manner of feasting in ge-  
nerall. Their ordinary meales as they were  
not many in a day, so neither were they costly.  
They were called *garbush*, which word signifies  
properly, such fare as travellers and wayfaring men  
use of their journeyes. The word is used, *Ierem. 40.*  
*5. So the Kingeward gave him vittailles, and a re-*  
*ward, and let him goe;* likewise, *Prov. 15. 17. Better*  
*is a dinner of weeds where love is.* The extraor-  
dinary and more liberall kind of entertainment by  
way of feasting, was commonly called *Waische*,  
from their liberal drinking at such meetings. There  
was also another kinde of feasting, wherein they  
made merry together, eating the remainders of  
their sacrifices, who they called *Chap*. From this  
custom of having a feast at the end of their sacri-  
fices, the Christians of the Primitive Church in-  
stituted their *Agape* feasts, *Agape* the *Indisupper*.  
In both these greater and more solemn feasts, there  
were some Ceremonies used by them as *perpetu-*  
*um Panis*, others in dish, *Agape*, others  
in their gesture at Table.

The ceremonies preparatory were principally these three. 1. Salutation. 2. Washing the feet of the guests,

3. Pouring oyle on them.

14 Their Salutations were testified either by words,

or some humble gesture of the bodie. By words; and then these were the usuall formes, *The Lord be with you, on the Lord be blessing you, With 3. 4. 5.* From the last of these, *blissing* is often taken in Scripture for saluting. If thou meet any, *blisse him* non, or if any *blisse thee*, answer him not againe, *saith Elshaz to Gehazi, 2 King. 4. 29.* The sense is, *our English* render it, *Salute him* non. Sometimes they said, *Peace be unto thee, Peace be upon thee, God in peace,* and such like; *when yee come into an house, salute the same;* and if the house be worthy, *let your peace come upon it;* but if it be not worthy, *let your peace returne to you, Math. 10. 13, 13.* By gesture; their salutations were signified sometimes by *prostrating the whole bodie*; sometimes by *kissing the feet*, *Luke 7. 38.* commonly by an *ordinary kisse*. *Moses* went out to meet his father in law, and did obeisance and *kissed him, Exod. 18. 7.* Moreover *Joseph* kissed all his brethren, and wept upon them, *Gen. 45. 25.* This *Saint Paul* calleth an *holie kisse*, *1 Cor. 16. 2.* and *Saint Peter*, A *kisse of charity*, *1 Pet. 5. 14.* A *Tertulian* calleth it, *Osculum pacis*; A *kisse of peace*. These were *kisses* which a *Church* might give; and a *Church* receive. Of this sort the *loves* had three kinds. 1. A *kisse of salutation*, which hath beene specified by some of those former instances. 2. A *kisse of valediction*; Wherefore hast thou not suffered mee to kisse my sonnes and my daughters, *Gen. 31. 28.* 3. A *kisse of homage*; the word signifieth a *kisse of* *honor* or *dignity*; but it was to testifie their homage, and acknowledgement of their Kings sovereignty. Then *Samuel* tooke a viall of Oyle, and poured it upon *Sauls* head, and *kissed him, 1 Sam. 16. 1.* And

Tertul. lib. 4. ad-  
vers. Marcion.

omne verbum est. I  
non, matris. I  
non, matris. I  
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Xenophon. de in-  
stit. Cy. lib. 1.  
pag. 17. II. lib. 5. p.

Tertull. de orat.  
cap. 14.

Vid. Drusum ad  
difficilia loca,  
Exod. cap. 12.

וְשִׁיקוּת  
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unto this they refer that in the second *Psalm*, kisse the Sonne lest hee be angrie. These salutations, howsoever they were such as were used mutually, sometimes in their meetings abroad upon the way, yet were they such, as were used also in their entertainment, as clearly appeareth by many of those fore-quoted examples.

<sup>1</sup> Lotio pedum ante discubitu[m], non solum Iudeis, sed & gentibus ipsi seruat[ur] : locus hic rursus est, hic occumbere, ferre aquam pedibus. Plautus Pers.

The second Ceremonie preparatory was *washing their feet*. And the man brought the men unto *Josephs* house, and gave them water, and they did wash their feet, *Gen. 43. 24*. This office was commonly performed by servants, and the meanest of the family, as appeareth by our Saviour *Christ*, who to leaue an example of humilitie behinde him, washed his Disciples feet, *Iohn 13. 5*. And *Abigail*, when *David* tooke her to wife, said, Behold let thine handmaid bee a servant, to wash the feet of the servants of my Lord, *1 Sam. 25. 41*. For this purpose they had certaine vessels in readinesse, for such employments : that which our Saviour used, we translate a *Bason*, *Iohn 13. 5*. He powred out water into a *Bason*. The word *basin*, there used, signifieth in generall a wash-pot, and is there used for that which in strict proprietic of speech, the *Grecians* termed *pediluvium*, (i.e.) A wash-pot for their feet. Some may here make the question, whence this water was powred? I see no inconvenience, if we say, that there were usually in their dining-rooms greater vessels, from which they powred out into lesser, according as they needed, of which sort it is not improbable, I thought that those water-pots were mentioned, *Iohn 2. 6*. There were set there six water-pots of stone, after the manner of the purifying of

<sup>2</sup> Strabo lib. 16. com-  
muni.



of the Jewes. By purifying there, understand this complementall washing of which wee treat: Now if wee consider the washing of their hands, usuall and comendable in it selfe, though superstitiously abused by Scribes and Pharises; and the washing of their feet before, and after meale, (for our Saviour washed his Disciples feet after supper) which second washing, the Hebrewes say it was in use onely at the Paschever, there must needs bee use of great store of water in their greater Feasts, and therefore no marvell, if many and capacious vessels stood in readinesse. Farther, we are to note, that as the office was servile and base, so the vessell: which observation giveth light to that, *Psal. 60. 8. Moab is my wash-pot*; that is, the Moabites shall bee basely subject unto me, as the pot in which I wash my feet.

The third Ceremony preparatorie, was pouring out of oyle. A woman in the City brought an Alabaster box of ointment, and stood at his feet behind him weeping, and beganne to wash his feet with teares, and did wipe them with the haire of her head, and kissed his feet, and anointed them with the ointment, *Luke 7. 37, 38.* It was also powred upon the head, whence in the same place, *Christ* challengeth the Pharisee which entertained him, *Mine head with oile thou diddest not anoint, vers. 46. Psal. 23. 5. Thou anointest mine head with oyle.*

After these ceremonies of preparation had beene performed, then they proceeded to giving thanks. The Master of the house sitting downe together with his guests, tooke a cup full of wine in his right hand, and therewith beganne his consecration, after this manner. Blessed be thou O Lord our God,

ברוך אתה  
יי אלהינו  
מלך העולם  
בירה פרי  
העולם  
benedictus factus  
Domine Deus  
servex mundi, qui  
creas fructu vitis.

ברכת היין

the King of the world, which createth the fruit of the vine. Having said thus, he first lightly tasted of the wine, and from him it past round the table. This grace; or thanksgiving, they call \* *Bircath hazann*, the blessing of the cup. With this Christ himselfe seemeth to have begun his supper. He took the cup, and gave thanks and said, Take this and divide it among your selves, for I say unto you, I will not drinke of the fruit of the vine, until the Kingdome of God shall come, Luk. 22. 17, 18. After the blessing of the cup, the master of the house took the bread, which they did *scindere*, but not *Abcindere*, lightly cut for the easier breaking thereof, but not cut in sunder, and holding this in both his hands, hee consecrated it with these words, Blessed bee thou, O Lord our God, the King of the world, which bringest forth bread out of the earth. This consecration of bread, they termed, \* *Bircath hakchom*. After the consecration, hee brake the bread, (whence the master of the house, or he who performed these blessings in his stead, was termed \* *Haboiseung* (i.) the breaker; the bread being broken, he distributed to every one that sat at the table a morsell, which being done, then they began to feed upon the other dishes that were provided. This rite of blessing both the cup and the bread, they observed only in their solemne festivals, otherwise they consecrated the bread alone, and not the cup. In their feast time, they seasoned their meat with good conference, such as might either yeeld matter of instruction, or exercise their wits, which practice was also observed in their Christian love feasts. Of the first sort, was that parable proposed by our blessed Saviour at a feast, Luke 14. 7. Of the second,

ברכת

ברכה  
הללה  
diction panis.  
Druſius in N. T.  
part. altera, p. 78.  
הכרזע

\* Non tam curam  
carnalis quam dis-  
ciplinam Tertull.  
apolog. 6. 39.

was

was *Sampsons* riddle, which hee proposed unto his companions, *Judg. 14. 6.* At the end of the feast, they againe gave thanks, which was performed in this manner; either by the master of the house himselfe, or by some guest, if there were any of better note at the table: hee taking a cup of wine in both his hands, began thus, *Let us bless him who hath fed us with his owne, and of whose goodnesse we live:* then all the guests answered, *Blessed bee hee of whose meat wee have eaten, and of whose goodnesse we live.* This ~~prayer~~ <sup>prayer</sup> they called *Birkath Hamazon*. And this is <sup>ברכת המזון</sup> *thought to be the cup where with Christ after Supper commended the myserie of his blood to his Disciples:* after this, he which began the thanksgiving proceedeth, *blessed be he, and blessed be his name,* &c. annexing a longer prayer, in which hee gave thanks: First, for their present food. 1 For their deliverance from the *Egyptian* servitude. 2 For the covenant of *circumcision*. 3 For the Law given by the ministry of *Moses*. Then hee prayed that God would have mercy, 1 On his people *Israel*, 2 On his owne City *Jerusalem*, 3 On *Sion* the tabernacle of his glory, 4 On the Kingdom of the house of *David* his anointed, 5 That he would send *Elijah* the Prophet. Lastly, that he would make them worthy to the dayes of the *Messiah*, and of the life of the world to come.

This prayer being ended, then all the guests which sat at the table, with a soft and low voyce, said unto themselves in this manner, *Peace be the Lord with thee his holy ones, because there is no penury to those that feare him, the young Lyons doe want and suffer hunger, but those that feare the Lord want no good thing.*

Afterward

Afterward he which began the thanksgiving, *bles-  
sed the cup* in the same forme of words, as he used at  
the first sitting downe; saying, *Blessed bee thou O  
Lord God, the King of the world, which createst the fruit  
of the Vine*: And therewith he dranke a little of the  
wine, and so the cup passed round the table. Thus  
they beganne and ended their feasts, with the *bles-  
sing of a cup*: this cup they termed, *כוס דוד* *Cos  
hiddeh*, *Poculum iurium*, *A cup of thanksgiving*: and  
*both these cups* are mentioned by Saint Luke, and  
which is worth our observation, the words of Con-  
secration, whereby it was instituted, as part of  
the blessed Sacrament in the *New Testament*, were  
added only to the last cup. *This cup is the New Testa-  
ment in my blood, which is shed for you*. After all this,  
they sung <sup>c</sup> Hymnes and Psalmes, which also was  
practised by our blessed Saviour, *Marke 14. 26*. So  
that howsoever hee used not any superstitions, ei-  
ther then practised, or since added by after *Jewes*,  
(as the drinking of <sup>e</sup> foure cups of wine, <sup>a</sup> or the  
breaking of the bread with all ten fingers, in allu-  
sion to the ten Commandements, &c.) yet in the  
beginning, and ending, we see his practice suitable  
with theirs. If any desire a larger discourse of these  
blessings, noted out of the *Rabbines*, let him read

<sup>c</sup> Scalig. de emend.  
Temp. l. 6. p. 273.

<sup>e</sup> Moses Kotsensis  
fol. 118. col. 1.

<sup>a</sup> Sebastian. Mun-  
ster. lib. 26.

<sup>e</sup> Il. prac. Hebr. per  
Fagium editus.

\* P. Fagius his Comment on *Deuteron. 8. 10.* from  
whom I have borrowed a great part of what here-  
in I have deliuered. If any shall here object,  
that I seeme to make the *blessed Sacrament* of our  
Lords bodie and blood, a *Jewish ceremony*, I an-  
swer no; For as a kinde of initiatory purification  
by water, was used before by the *Jewes* of old, and  
no *Proselyte* was admitted into the Church of the

DISCOURSE

*Jewes*

*Jewes*, without this purification; yet it was no more a *Sacrament* to them, than *Circumcision* was to *Turks* and *Saracens*. Thus neither was breaking the bread *sacrament* all to the *Jewes*, but then it became a *sacrament*, when *Christ* said of it, This is my body. This cup is the *New Testament* in my blood, &c. *Luke 22. 19.* The *Jewes* could not say, The cup of blessing which wee blesse, is it not the communion of the blood of *Christ*? *Pe. 2. 11.*

The last thing considerable in their Feasts, is their gesture. In the dayes of our Saviour, it is apparent that the gesture of the *Jewes* was such as the *Romans* used. The table being placed in the midst, round about the table were certaine beds, sometimes two, sometimes three, sometimes more, according to the number of the guests; upon these they laid downe in manner as followeth. Each bed contained three persons, sometimes foure, seldome or never more. If one lay upon the bed, then he rested the upper part of his body upon the left elbow, the lower part lying at length upon the bed: but if many lay on the bed, then the uppermost did lie at the beds head, laying his feet behind the seconds back: in like manner the third or fourth did lie, each resting his head in the others bosome. Thus *John* leaned on *Jesus* bosome, *John 13. 23.* This, first, is an argument of special love towards him, whom the master of the house shall take into his owne bosome, *John 13.* who he was the beloved Disciple. Secondly, an argument of parity amongst others resting in one anothers bosome. Many shall

Voices quibus u-  
si sunt Evangelista  
sonant accubitus  
non sessionem, & u-  
nitur, Luc. 22.  
d. v. a. d. u. Mat.  
26. Ka. x. d. u.  
Luc. 14. d. v. a. d. u.  
Mat. 14.



come from the East and West, and shall sit downe with Abraham, and Isaac, and Jacob, *Mat. 8. 11.* And where shall they sit? In *Abrahams bosome*, *Luk. 16. 22.* that is, they shall all sit at the same table, bee partakers of the same glory. Thus *Christ*, he was in the bosome of his Father, *Iohn 1. 18.* that is, in the Apostles phrase, *Hee thought it no robbery, to bee equall with his Father.* Their tables were perfectly circular or round, whence their manner of sitting was termed *Mesibah*, a sitting round; and their phrase of inviting their guests to sit downe, was, *sit round*: We will not sit round untill he come hither, *1 Sam. 16. 11.* Againe, Thy children shall bee like Olive plants round about thy table, *Psal. 128. 3.* This custome of lying along upon a bed, when they took their meate, was also in use in *Ezekiels* time, Thou shalt sit upon a stately bed, and a table prepared before it, *Ezek. 23. 41.* And whether this were the custome of the ancient *Hebrewes*, I leave to bee discussed by others. But unto this also doth *Amos* allude; They lay themselves downe upon clothes laid to pledge by every Altar, *Amos 2. 8.* That is, the garments taken to pledge they use in stead of Beds, when at their Altars they eat things sacrificed to Idols: Yea, the plucking off their shoes when they went to table, implyeth this custome of lying at the table, to have bene very ancient. The plucking off their shoes seemeth to have bene generally received, when they were in *Egypt*; for this cause is it, that they had a strict charge in eating the *Passover*, to have their shoes on their feet for greater expedition. The reason why they usually pluckt them off, was, for the clean keeping of their

מסבה *Dis-*  
cubicum, cujus ra-  
dix est סבה, cir-  
cumivit, Ambrosi.

Philos. Ind. p. 388.

vetustissimus  
mos erat super la-  
natis pellibus dis-  
cumbere. Qui po-  
terat pelles addere,  
dives erat Ovid.

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their Beds, on which they lay. Here seeing the rule of observing the *Passover* requireth that it should be eaten with their shoes on their feet, which argueth rather *standing* than *lying upon a bed*: it may bee demanded whether *Christ* transgressed not against the first institution thereof, in the manner of his sitting at the table: *Tremelius* answereth thus, and in my minde fully: We must know, saith he, that *Exod. 12.* it was commanded after what manner, they ready to depart out of *Egypt*, should eat the *Passover* at that time, for the necessitie of that time so required, namely, an hasty eating thereof: But afterward in the Law, where it is commanded that this ceremonie of the *Paschall* should be renewed every year; those words are not added. Wherefore all the *Hebrew Doctors*, both ancient and moderne, doe reach with one joynt consent, that the commandement of sprinkling the doore posts with blood, of having on their shoes, of girding their legges, of taking staves in their hands, & eating the Lamb in haste; did not extend it selfe to the generations following, but onely to have concerned that very night, wherein they departed out of *Egypt*: Yea, it was an ancient tradition amongst them, that when they did in after times eat the *Passover*, they would sit downe, or leane upon a Bed, as our *Saviour* and his Disciples did, in token of their deliverance obtained.

*Tremel. in Mat. 26. 10.*

*Talmud. tract. de Paschate. vid. Tremel. loco superius citato.*

*Vid. Casaubon. exercit. p. 298.*

The parties that gave entertainment at their Feasts, were two. 1. The Master of the house, 2. The Master of the Feast. They differed thus, the Master of the house was termed *באב הבית* *Baal habeth*, i. *dominus Paterfamilias*. The Master of the feast was termed







tained. Whence the *Seventy Elders* commonly translate a peace-offering *again, a sacrifice of salvation, or salvation in itself.*

### CHAP. III.

#### Of their Sabbath.

**T**He word *Sabbath*, from whence our English word *Sabbath* is derived, signifies *rest*, and is applied to all *solemn festivals*. They polluted my *Sabbaths*, *Ezek. 20. 21* that is, my *Feasts*. Sometimes it is applied to the whole week: *Lejuno hic in Sabbato; I fast twice in the week.* Sometimes, and that most frequently, it is used for that seventh day which God had set apart for his owne service. This last was holy, either by a simple holinesse which belonged unto it, as was the seventh day; or else by a double holinesse occasioned by some *solemn Feast* upon the same day, and then it was called, *Sabbatum magnum, id est great Sabbath, John 19. 31.* For on that *Sabbath* day of which *Saint Iohn* speaketh, the *Feast of the Passover* happened that yere.

The week dayes are termed by the *Hebrews* *Sabbatim*, *Cholini*, prophane daies by the *Greeks* *Enallagion*, *Working dayes*: but when they speak of them altogether, *enallagion*, the space of time between the two *Sabbaths*. This was the time upon which the Gentiles desired to heare *Paul* *Acts 18. 19. 41.* In respect of the different degrees of holinesse on daies, the *Sabbath* day is not unfully compared to a *Queen* or

• Scalig. de emend.  
Temp. lib. 6. p. 161.  
Item Regis in hunc  
locum.



or rather to those whom they termed *Primary* wives; other Feast daies to *Concubines*; or *half-wives*; working dayes to *handmaids*.

The Sabbath began at six a clocke the night before, this the *Greeks* called *μυστήριον*, the *Hebrewes* \* *Biath haschabbath*, the entrance of the Sabbath. *Sealig. de emend. Temp. l. 6. p. 169.*

The preparation to the Sabbath began at three of the clocke in the afternoon, the *Hebrewes* called this *שבת קודם* *Gareb haschabbath*, the Sabbath eve. By the ancient *Fathers* it was called *cæna pura*, the phrase is borrowed from *Pagans*, whose Religion taught them in their sacrifices to certaine of their *Gods* and *Goddesses*, to prepare themselves by a strict kind of holinesse, at which time of their preparation they did partake of a certaine supper, which as it consisted of choice meats, such as the *Heathens* deemed more holy than others: so it was eaten with the observation of holy rites and ceremonies. Hence they themselves were said at this time of their preparation, to bee *In casto*, and their preparatory Supper, termed, *cæna pura*. Thus we see the reason why the *Hebrewes* called the Sabbath eve, *Cænam puram*. By the *Evangelists* it was called *μεσσηρία* A preparation, *Mark. 14. 42.* For distinction sake, we may call that foretime of the day *μεσσηρία* A fore preparation. For the whole day was a kind of preparation, as will appeare by the particulars then forbidden: First on this day they might go no more than twice *Passing* by now a word on this so much ground as an ordinary man might go over of them in a day. Secondly, Judges might not then sit in judgement upon life and death, as by the *Hebrew*

<sup>c</sup> Casaubon. Exercit. 16, p. 477. ex Michlol. Kimchi.

in the Chapter of Translation of Feasts, ' Thirdly,  
all sort of Artificers were forbidden to worke, on-  
ly three excepted, Shoemakers, Taylors, and Carriers,  
the two former for repairing of apparell, the other  
for fitting themselves by study to expound the Law  
the next day, and these were permitted but halfe  
the preparation time to worke.

e Buxtorf. Syna-  
gog. Buxtorf. 10.  
ex Talmud.

The best and wisest of them, even those that had many servants, did with their own hands further the preparation, so that sometimes the Masters themselves would chop herbes, sweep the house, cleave wood, kindle the fire, and such like.

BRX 107. Syna-  
got. 1914.

In old times they proclaimed the Reprobation with noise of Trumpets, or Horns; but now the moderne Jew proclaime it by the Sexton, or Towne under Officer of the Church, whom they call a yong Priestes *Schickelschaber* or *The Messenger of the congregation*: as if he were more holy than others.

Concerning the sanctification of the Sabbath day it selfe, in corrupter times some things the *Text* deduced over and above that which God commanded: In other things they took libertie where God granted none. In the first, they were *superstitious*; in the second, *sacrilegious*.

They took libertie. There were two thousand cubits between the *Ark* and the *Ramp*, when they marched; *Lev. 14*. and in probability, the same proportion was observed when they rested: this distance of ground some interpret to be one mile; some two; some measuring it according to a leffur, others according to a longer cubit, which they terme a *Corinthian Cubit*: they all agree in this, that there were six thousand hundred worpe a Sabbath dayes jour

journey, though none, as I know, have observed the reason why it was so called, which I take to be this; On the Sabbath day they were all to repair to the place of Gods publike worship, which was two thousand cubits distant from those who camped nearest: Hence follow foure propositions. 1. That two thousand cubits any where, by proportion might be called a *Sabbath dayes journey*: Secondly, that to those who dwelt in the Camps more remote from the *Arke*, a *Sabbath dayes journey* was more than two thousand cubits. Thirdly, That it is now lawfull on the Sabbath day, to joyne with the congregation in the place of Gods publike worship, though remote. Fourthly, that it was unlawfull for the *Jewes*, hereupon to take libertie to walke idly whither they would, if it were not more than two thousand cubits, pretending it to be but a *Sabbath dayes journey*.

They added unto that which God commanded. 1. God said, Remember to keepe holy a seventh day: In which words God sanctified one day to be *Sabbatum*,<sup>1</sup> they added *Sabbatum*, so they termed that additament of time which they annexed to the *Sabbath*: This addition of time was twofold: some began the *Sabbath* sooner than others; this was done by the *Jewes* dwelling at *Tyberias*, because they dwelling in a valley, the Sunne appeared not to them so soone as it did to others. Some againe continued the *Sabbath* longer than others, this was done by those dwelling at *Tsephore*, a Citie placed upon the top of a mountaine, so that the Sunne shined longer to them, than it did to others; thus both of these did *addere de profano ad sacrum*;

<sup>a</sup> Buxtorf Com-  
ment. Masoret. c. 4.  
ex Masar.

Add somewhat of the working day, immediatly going before, or immediately following after : none diminished of the Sabbath. <sup>b</sup> Hence R. Iose wished that his portion might bee with those that began the Sabbath with those of Tyberius, and it ended with those of Tsepphore.

<sup>i</sup> Iun. & Yremel.  
in Exod. 16.

<sup>2</sup> God said, To morrow is the rest of the holy Sabbath unto the Lord, bake that ye will bake, and seeth that yee will seeth, Exod. 16. 23. This command was proper to the time of Manna, the reason is there alleaged, why they should prepare that day for the morrow, because upon the Sabbath day they should not finde it in the field. The Jewes extend this command to all ages, and therefore they dressed no meat this day, this haply was the reason, that the Heathen people thought they <sup>m</sup> fasted on the Sabbath, though I deny not but this error might be occasioned in part from that phrase, *Jejuno bis in Sabbato.*

<sup>m</sup> Sueton. August.  
c. 76. de jejuniis. Sab-  
bat. Vid. Martial.  
l. 4. Epig. 4.

<sup>n</sup> Vatablus in hunc  
locum. Item Trem.  
& Iunius.

<sup>3</sup> God said, Yee shall kindle no fire thoroughout your habitations on the Sabbath day, Exod. 35. 3. This commandement was only concerning fire for the furtherance of the work of the Tabernacle, <sup>n</sup> for therefore is the Sabbath mentioned in that Chapter, to shew that the worke of the Tabernacle, ought to give place to the Sabbath. The Jewes hence gather that it is unlawfull to kindle any fire at all on this day.

<sup>o</sup> Hosmian. de O-  
vig. sect. de Sab-  
bato.

<sup>4</sup> God said, In it thou shalt doe no manner of worke. This the Jewes understood without any manner of exception. <sup>o</sup> Hence they held it unlawfull, to rest an apple, to suck an herbe, to climbe a tree, to kill or catch a flea. Hence they thought it unlawfull,

to

to defend themselves being assaulted by their enemies on the *Sabbath* day, by this means twice they became a prey unto the enemy. First, unto *Antiochus*, whereupon *Mattathias* made a decree, that it should be lawfull upon the *Sabbath* to resist their enemies, which decree againe they understanding strictly, as if it did onely give leave to resist, when they were actually assaulted, and not by any labour that day to prevent the enemies raising of Rams, setting of engines, underminings, &c. they became a prey the second time to *Pompey*. For the right understanding therefore of this command, wee are to know that three sorts of servile workes were allowed.

1 *works of charity*: God, that allowed them to lead their Oxe and Ass to water on the *Sabbath*, *Luke* 13. 15. to make their lives more comfortable, much more allowed man libertie to dresse convenient food for himselfe and his family, that they might the more comfortably performe holy duties. *Christ* healed on the *Sabbath*; therefore visiting the sick, and the use of the *Physitian*, was both then and now lawfull.

2 *works directly tending to Gods worship*, not onely killing of sacrifices, and circumcising of children on that day was allowed, but the *Priests* might lawfully blow their trumpets and hornes on the *Sabbath* day, for the assembling of the people, *Numb.* 10. 2. And the people might warrantably goe from their houses to the place of Gods publique worship. By proportion it is now warrantable for *Christians*, to ring bells to assemble the people together on the Lords day, and to take journeyes



<sup>a</sup> Buxtorf Com-  
ment. Masorec. c. 4.  
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<sup>m</sup> Sueton. August.  
c. 76. de Ieiun. sab-  
bat. Vid. Martial.  
l. 4. Epig. 4.

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<sup>a</sup> Hostian. de O-  
vig. fest. c. de Sab-  
bato.

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to joyn with the publik congregation, or to preach the Word. Of these we may say, though they are in their own natures bodily labours, yet the Temple which was sanctified did change the nature of them, and make them holy, *Matthew 23. 17.* Or as the *Jewes* say concerning the ouerthrow of *Ierico*, which according to their writings fell on the *Sabbath* day: *Hee which commanded the Sabbath to bee sanctified, commanded it also to be prophaned.*

3 *Workes of absolute necessitie*, as the defending ones selfe against his enemy, and others of like nature: concerning which the *Jewes* have a saying, *Perill of life drives away the Sabbath.* And the *Christians* with a little change of a more common proverbe say, *Necessitas non habet ferias; Necessitie hath no holy dayes.*

מי שצוה  
על השבת  
צוה לחלל  
שבת.  
R.D. Kimchi in  
Iosb 6.  
מסכתות  
ובש זרה  
שבת.

## CHAP. IV.

Of their Pascoover, and their Feast of  
unleavened bread.

Some of the *Fathers* have derived the word *Pascha* from a *Greek* verbe signifying to suffer, because the sufferings and *Passion* of our *Saviour* are celebrated about that time. <sup>b</sup> This opinion *Augustine* justly confuteth, for the word is originally an *Hebrew* word signifying to *pass by*, to *leape*, or *pass over*. The *Etymology* is *Gods owne*. In the sacrifice of the *Lamb Pascoover*, which *passed over*, &c. *Exod. 12. 17.*

The word *Pascoover* in *Scripture* hath three acceptions.

<sup>a</sup> *Tertullian. adu. Iudaic. cap. 10. 11.*  
*Ambros. lib. de My- ster. Pasch. cap. 1.*  
<sup>b</sup> *August. in titul. Psal. 69.*

ceptions. First, it is taken for that yearly solemnity, which was celebrated upon the fourteenth day of *Nisan*, otherwise called *Abib*; you may call it the *Passover of the Lambe*, because on that day toward the evening, the *Israelites* were commanded according to their families to roste a *Lambe*, and eat it in their private houses. Secondly, it signifieth that yearly festivitie which was celebrated on the fifteenth of *Nisan*, it may bee called the *Passover of sheepe and bullocks*, *Deut. 16. 2.* Otherwise wee may call it the *Feast of the Passover*; as the fourteenth of *Nisan* was called simply the *Passover*. In the fourteenth day of the first moneth, is the *Passover of the Lord*, and in the fifteenth day of this moneth, is the *Feast*, *Numb. 28. 16, 17.* Toward this *Feast* we are to understand that *Iosiah* gave unto the people such a multitude of sheepe, Lambs, Kids, and Bullocks. Thirdly, it is taken for the whole solemnitie, beginning the fourteenth of *Nisan*, and ending the one and twentieth of the same moneth. Now the *Feast of unleavened bread* drew nigh, which is called the *Passover*, *Luke 22. 1.* So that in this acception it contained the *Feast of unleavened bread* also; notwithstanding, in proper speaking, the *Feast of unleavened bread*, was a distinct *Feast* from the *Passover*.

First, the *Passover* was to bee kept on the fourteenth day of the first moneth, at even. This was their second Sacrament, in which although they were enjoined to eat unleavened bread with the Lamb, yet the *Feast of unleavened bread* began not till the morrow following, being the fifteenth day of the same moneth, and lasted seven dayes, of which

*E. Theologis non pauci, omnia quæ ad 14. am noctem pertinent 15. æ tribuunt; quem errorem hauserunt ex turbidis Rabbi- norum lacunis, qui bodie eandem errorem errant, teste Scaliger de emend. Temp. l. 6. p. 270.*

onely the first and laſt were holy convocations, wherein they might do no ſervile work, *Levit. 23. 5, 6, 7, 8.*

Secondly, the *Pasſeover* in the age following its first institution, might not bee killed and eaten in any other place, save onely where the Lord did chuse to place his name, which afterward was at *Ierusalem*: but the *feast of unleavened bread*, the *Hebrews* thought themselves bound to keepe in every place wheresoever they dwelt, if they could not be at *Ierusalem*: and <sup>d</sup>eating of it, they say, depended not upon the eating of the *Pasſeover*, but it was a commandment by it selfe.

The *Rites and Ceremonies* observed by the *Iewes* in the eating of this Sacrament their *Paschall Lamb*, agreed with those general ceremonies used in their solemn Feasts. They *blessed the cup*, and *blessed the bread*, and *divided* amongst the guests, and *washed the feet* of those that sat at the table, as is shewen in the Chapter of *Feasts*. The particulars in which it differed from other *Feasts*, are delivered in those interrogatories, or questions proposed in way of *Catechisme*, by some child at the time of eating their *Pasſeover*, or rather in the answer made unto the child by him that blessed the table. The question was thus, What meaneth this service? The forme of the answer was, \* How different is this night from all other nights? for all other nights we wash but once, in this twice; (thus *Christ* when Supper was ended, washed his Disciples feet) in all other nights we eat either leavened or unleavened bread, in this onely unleavened; in other nights, wee eat any sort of herbs, in this night bitter herbs: in all

לא חלה  
אכילתו  
בקרבו  
הפסח אלא  
ור מצוה  
עצמה

Maimon. de ser-  
mento & ARMO.  
cap. 6. sect. 11.

\* See fig. de emend.  
Temp. 45. p. 270.



all other nights we eat and drinke either ſitting or lying, but in this we lye along. Then hee proceedeth to declare, that the *Pasſeover* was in reſpect that the Lord *paſſed over* the houſes of their fathers in *Egypt*. Secondly, hee held up the bitter herbs in his hand and ſaid, Theſe bitter herbs which wee eat, are in reſpect that the *Egyptians* made the lives of our *Fathers* bitter in *Egypt*. Thirdly, hee held up the unleavened bread in his hand, and ſaid, This unleavened bread which we eat, is in reſpect that the dough of our *Fathers* had not time to be leavened, when the Lord appeared unto them, and redeemed them out of the hand of the enemy. This kind of *Catechiſing* they ſay is commanded, *Exod.* 12. 26. They called it *הגדה* *Haggada*, (i.) *Annunciatio*, the declaration or ſhewing forth of the *Pasſeover*. Hence the *Apoſtle* borroweth his phraſe; As often as yee ſhall eat this bread, and drinke this cup, yee ſhall declare, or ſhew forth, the Lords death, *1 Corin.* 11. 26.

Concerning this Lambe they are charged thus, Upon the tenth of *Abib* every one ſhal take a Lamb for an houſe, a male of the firſt yeare, without blemiſh, and this he kept untill the fourteenth day of the ſame moneth, *Exod.* 12. 3. &c. *The Lamb*: it was either of ſheep, or goats. *For an houſe*: the whole body of the *Iſraelites* was divided into twelve tribes, the tribes into families, the families into houſes; if the houſe were too few for the eating of the Lamb, then the next neighbour joined with them in the eating thereof. The whole company was termed *congregatio*, in the ſame ſenſe *Saint Marke* uſeth *congregatio*, and *synagoga*, *Marke*, the ſixth. All theſe words ſignifie a ſociety,

ciety, or company of guests, so many as can sit at the same table : the latter word properly signifieth, a bed in a garden, and thus in the Gospel, the whole multitude sitting on the grasse, seeme to be compared unto a Garden, and their severall societies or companies, unto so many beds in the garden. The number of communicants in this Paschal society<sup>1</sup> was never lesse than ten, nor more than twenty. It followeth in the text, *A male*, to note the masculine and pierlesse vertue of our Saviour, whom it did typically shadow forth. <sup>2</sup> *Of the first yeare*, which phrase they interpret thus, That the Lambe, after it was eight dayes old and forward, was allowable to be offered for the Pascheover, but not before; because it is said, *when a Bullcock, or a Sherpe, or a Goat, is brought forth, then it shall bee seven dayes under the damme, and from the eighth day and thenceforth, it shall bee accepted for an offering made by fire unto the Lord, Levit. 22. 27.* And the reason of this Law, some of the Hebrews have thought to be, <sup>3</sup> because in their opinion nothing in the world was absolutely perfect, untill a Sabbath had past over it : Moreover, if it were an houre elder than a yeare, it was unlawfull, because it is said, *A male of the first yeare, without blemish*, as well to admonish the Israelites, of their own personall integrity, as to signifie the absolute perfection of him who was in truth the Lambe of God. And this hee kept till the fourteenth day of the same month. The Rabbines<sup>4</sup> affirme foure causes of this First, because otherwise through the multitude of businesses, at the time of their departure, they might forget the Paschal Lamb : Secondly, that in this foure dayes space they might have the more

<sup>1</sup> Ioseph. de bello

Iud. lib. 7. c. 17.

<sup>2</sup> Hebraice פסח

פסח Filium an-

ni. Sunt qui distin-

guunt inter P'sium

anni &amp; Filium an-

ni sui, Filium

anni interpretan-

tur, qui annu annu

agit, nec minor, nec

major Filium vero

anni sui, qui est in

anno primo, licet

cum nondum ab-

solverit. Sed Aben

Esra negat absque

Cabala posse sciri

quis sit filius anni

sui, na fieri potest,

inquit, ut sit, &amp; au-

ddititium sine pa-

ragogicum, quale

in חיות &amp; simi-

tibus.

<sup>3</sup> Vid. Munster ad

Levit. 22.

<sup>4</sup> Hespinian. de O-

rig. lib. 5. cap. 5.

more certain knowledge of the Lamb's perfection. *Thirdly*, that by beholding the Lamb so long before their eyes, they might have the better occasion in that space, both to recount with themselves Gods mercy in their deliverance from *Egypt*, and also to instruct and *Catechise* their children in that point: for which respect, it was a received tradition amongst the Jews, that during the space of these four days, the Lamb was tied to their bed posts. *Lastly*, that in this time of preparation, they might thoroughly fix & address themselves for the oblation.

The time when the *Passhall Lamb* was to be slain, was at the Evening, *Exod. 12. 6.* or at the original reads; *between the two evenings*. Here *Divines* move the question, what part of the day should be understood by this phrase. Some distinguish the *two Evenings* thus; That there was *Vespera Solis*, the Evening of the Sun, namely, when the body of the Sun setteth, And *Vespera lunaris*, the Evening of the light, when the beames and shining of the Sun is also gone from off the earth: The space or interim between these *two Evenings*, is thought to be one houre, and the third part of an houre; in which space of time, they say, the *Passhall Lamb* was slain.

<sup>1</sup> Others admit a greater latitude, and distinguish thus; There is, say they, *Vespera declinationis*, the Evening of the Sun declining; and *Vespera occasus*, the Evening of the Sun setting; and their meaning is, that the *Passover* was offered in this inter-mediate time, between moone and night. This latter answer seemeth most agreeable to the truth. *First*, because by this speech we must understand a latitude of time, wherein might be offered not onely the *Passover*,

<sup>1</sup> R. David in v. d. hoc etiam colligi potest ex Pirke Abod. cap. 5.

in Talmud. tract.  
de paschate cap. 9.  
in amittu.

but the daily Evening sacrifice also, for even that like-  
wise was commanded *ante Duas Paschas*, Between  
the two Evening Sacrifices. Now this might be  
offered in the former part of the afternoon. The  
manner of their sacrificing in regard of this time  
we find thus registered; if we count the hours accor-  
ding to our usual computation, the daily sacrifice of  
the Evening Lamb was usually slain between two  
and three; it was offered between three and four;  
upon the Passover eve it was slain between one  
and two; it was offered about halfe an houre before  
three. But if their Passover eve hapned to be the  
same with their Sabbath eve, then the daily Evening  
sacrifice was slain between twelve and one; it was  
offered halfe an houre before two; and afterward  
the Passover. Secondly, this agreeth with the obli-  
tion of the true Paschal Lamb, for as the time of his  
crucifying began in the third houre of the day;  
with the daily morning sacrifice, *Matth. 13. 30*. So it  
ended in the ninth houre, *Mark. 15. 34*, which was  
the time of their ordinary evening sacrifice; but  
upon their Passover eve, it was the time when  
their Paschal Lamb was slain. Furthermore, the Lamb was to be eaten with bitter  
herbs; the reason of this command is, that ther-  
by they might be moved to thankfulness towards  
God, for their deliverance from the Egyptian bond-  
age, in which their lives were made bitter unto  
them, *Exod. 1. 14*. These bitter herbs they did dip in certaine sauce  
thick like mustard, called *Charoseth*, of which  
thick sauce (say they) was a memoriall of the clay,  
wherein they wrought in Egypt. This is thought  
of

חורח  
Moses Kofensis  
fol. 118.  
Stalig. de emend.  
temp. lib. 6. p. 272.



of some to be that, wherein Christ dipped the sop, which he gave to Judas. Of this sauce the Hebrews write thus: 1. They used to dip the unleavened bread in that sauce. *Charoseth*, and to eat, then they dipped the bitter herbs in the *Charoseth*, and did eat them. 2. It was made of the palme tree branches, or of dry figs, or of rayfens, which they stamped and put vinegar thereto, and seasoned it, and made it like clay, and brought it unto the table in the night of the *Passover*.

*Maimon. de fer. ment. c. 3. § 7.*

*Maimon. de fer. ment. c. 3. § 7.*

The other seven daies following the fourteenth of *Nisan*, were in stricte of speech, a distinct Feast, as is above shewed, namely, the Feast of unleavened bread, because in that space of time, no leavened bread ought to be found in their houses. Their degrees of preparation to this feast are four: 1. *Expurgatio fermenti*, the cleansing of all their household stuffe & vessels unto which leaven might haply cleave; and this was done two or three daies before the *Passover*. 2. *Inquisitio fermenti*, the searching after leaven thorowout all the roomes of their houses, even to the mouse-holes; this they did with a waxen candle, and as *Buxtorff* noteth, upon the night before the *Passover*; and 3. *Sculiger* delivereth it in other words to the same purpose, namely, that this search was made, *Incuncta quarta decima usq. ad quartam horam postera Salis*. (1) At the beginning of the fourteenth day untill the fourth hour after the rising of the Sunne. Now the beginning of the fourteenth day was the night going before, for the Jews in the computation of their Holy dayes, counted their day from even to even. 3. There was *Exterminatio*, or *Conflagratio fermenti*, A burning of the leaven,

*Husus moris vestigia, qua dam sunt reperta in Roman. Plamine Diali. A. Gell. noct. At. lib. 19. cap. 15. Buxtorff. Synag. Judaic. cap. 12. pag. 317.*

*Scalig. de emend. temp. in prolegom.*



van, and this was done from the fourth of the sixth  
houre, about dinner-time; at which time followed  
the last degree, which Scaliger hath omitted, name-  
ly, *Exorcismo fermenti*, the cursing of the leaven, in  
this forme: \* *Let all that leaven, or whatsoever lea-  
vened thing is in my power, whether it were seen of me,  
or not seen, whether cleansed by me, or not cleansed,  
be all that be scattered, destroyed, and accounted as the  
dust of the earth.*

In case any did eat unleavened bread those seven  
dayes, the penaltie was, that such a soule should be  
cut off from Israel, *Exodus 12. 15*. Which penaltie  
hath amongst Expositors a threefold interpre-  
tation. Some understand thereby such a man to  
be cut off from his heavenly inheritance: others, that  
God would cut off such from the living by an un-  
timely death: Others, that hee should dye without  
children, leaving no posteritie behind him: to this  
purpose their proverbe is, \* *A man childlesse is  
lifelesse.*

Of these three the first is most probable in this  
place, though the same Text may admit the second  
interpretation in other places of Scripture, as is de-  
clared in the Chapter of Circumcision. Notwith-  
standing here let the judicious Reader determine,  
whether these words do not imply besides the se-  
cret actions of God touching the soule of such a de-  
linquent, a direction unto the Church, how to  
deale with parties thus offending, by censuring  
them with excommunication, which kind of cen-  
sure the Scripture calleth *cutting off*, *Exodus 12. 15*. *A speech much like this,  
A cutting off from Israel.*

Three

Three things may be here demanded. First, who killed the Paschal Lamb? Secondly, where it was killed? Thirdly, where it was eaten? First, it was killed by the Jews, 1 Chron. 35. 6. Secondly, it was killed after the first time in the Court of the Temple, the place which God had chosen, Deuteron. 16. 6. Thirdly, The owner of the Lamb took it of the Priest, and did eat it in his owne house at Ierusalem. *Christ with his Disciples kept the Pasche in an upper chamber at Ierusalem.*

*Maimon in R. Dan Pesh. c. 1. 9. 6.*

It may further be demanded, whether the Pasche consisted of two suppers, one immediately succeeding the other? Some affirme it, and their reasons are these: first, say they, the Pasche was eaten standing, but Christ used another posture. This argument of all other is the weakest, for Christ used the gesture of lying on his body, as well in the eating of the Pasche, as at the consecration of the Sacrament, and the Iewes generally after the first institution in all their Pasches, used rather this posture of their body, than the other of standing, in token of rest and security, as appeareth in the Chapter of Heasts. Secondly, they say, the Paschal Lamb, was wont to be roasted, but in the last Pasche, which our Saviour celebrated, there was *in cui intingebatur panis*, *Arachinta* which he dipped his bread. This reason is as weak as the former, because though there was a command to eat the Paschal Lamb roasted, yet there was no prohibition to joine their ordinary supper with the eating thereof, and that might admit doubt: but as it is shewen above, the matter into which the sop was dipped, was thought to bee the true Chalice. Thirdly, they urge,

*consecration*

R. 3.

John

*John 13: 2.* That the first Supper was done, when Christ arose and washed his Disciples feet, and after that he gave *Judas* the Sop, which must figure a second sitting downe. This foretelling his *Disciple*, that one of them should betray him, is likewise by *Saint Luke* recited after the consecration of the *Sacrament*. This is the strongest argument, and yet not of sufficient validity, because by a kind of *ellipsis* or anticipation of time, it is not unusual in the Scripture to relate that first, which according to the truth of the History, should be last. Thus *John 11* mention is made of *Mary* which annointed the Lord; yet her annointing of him followeth in the next Chapter. And this same History of betraying Christ, *Saint Matthew*, and *Saint Mark* recited before the consecration of the *Sacrament*. Whence the  *Jews* have a proverb, *Non esse prius aut posterius in Scriptura*; That first and last, must not be strictly urged in Scripture. Together with these answers, consider how improbable it is, that ten persons (for sometimes they were so few) should eat a second Supper, after they had eaten *A Lamb* of the first yeere, which might be an yeare old. It is evident also, by that of *Barrabas*, that it was a received custom on the *Passover* to let loose and inlarge one prisoner or other. Concerning the reason herof, the conjecture is threefold. Some think this custome to have beene used in memory of *Jonathan* the son of *Saul*, when the people rescued him from the hands of his Father; Others say that the reason herof was, that the feast might be celebrated with the greater joy and gladnesse; Others more probably think, it was done in remembrance of their deliverance

מיקדס  
ובמזרח ארץ  
כתורה  
Salom Iarchi, in  
Gen. 6. 3.

liverance from the *Egyptian bondage*.

Again, here is to be observed, that the *Hebrews* speaking of their *Passeover*, did sometimes speake according to their *civill computation*, wherein they measured their daies from *Sun-rising*, to *Sun-rising*; sometimes according to their *sacred computation*, which was from *Sun-set* to *Sun-set*. This serveth for the reconciliation of that, *Numb. 12. 18.* which seemeth to make the fourteenth day of the first month, the first day of unleavened bread: And *2. 2. Joseph. Antiq. lib. 2. cap. 5. pag. 65.* telleth us that they numbred *eight daies* for that feast. In like manner the Disciples are said to come unto *Christ* the first day of unleavened bread, saying unto him, Where wilt thou that wee prepare for thee to eat the *Passeover*? *Mat. 26. 17.* as if the first day of unleavened bread, were before the *Passeover*. All these are true according to the computation of their *civill daies*, though according to the computation of their *Holly daies*, the Feast of unleavened bread began the fifteenth day, and continued seven daies only, and the *Passeover* was before the Feast of unleavened bread.

In the last place wee must know, that there was permitted a *second Passeover* to those who could not be partakers of the first, by reason either of their uncleannes by a dead body, or of their far distance from the place where it was to be offered. This was to be observed in the second month, the fourteenth day thereof, according to all the ordinances of the first *Passeover*. *Numb. 9.* Touching that permission of a second *Passeover*, to those that were in a journey far off. The *Hebrew* of this word *far off*, hath extraordinary pricks over it, for speciall consideration.

Hereby



Hereby the Lord might intimate that we Gentiles which were uncleane, even dead in trespasses and sinnes, and farre off, Ephes. 2. 13. should bee made nigh by the blood of Christ, and so partakers of him the second Paschever. Of this legal ordinance the

*Maimon in Korban Pesach, cap. 5. sect. 8, 9.*

Hebrewes say : What is this journey farre off ? fifteen miles without the walls of Ierusalem, who so is distant from Ierusalem, on the fourteenth day of the first month, fifteen miles or more, when the Sun riseth : I.e., this is a journey farre off ; if lesse than this, it is not a journey farre off, for hee may come to Ierusalem by after midday, though he goe on foot, easily. The argument between the Paschall Lamb and Christ standeth thus.

*Christ is our Paschever, 1 Cor. 5.*

- |  |   |
|--|---|
| The Paschall Lamb was,                             | Christ was,   |
| 1 One of the flocke.                               | 1 Perfect man, Ioh. 1.                                |
| 2 Without blemish.                                 | 2 Without sinne.                                      |
| 3 To be sacrificed and roasted.                    | 3 Suffered and died.                                  |
| 4 His bones being not broken.                      | 4 They brake not his legs<br><i>Ioh. 19. 33.</i>      |
| 5 About the evening.                               | 5 In the end of the world,<br><i>Heb. 9. 26.</i>      |
| 6 Their door posts were sprinkled with the blood.  | 6 The blood of Christ purgeth our consciences.        |
| 7 That the punishing Angell might passe over them. | 7 That sinne and death might not prevaile against us. |
| 8 It was eaten in their severall families.         | 8 Hee is applied by faith.                            |
| 9 The whole Lamb.                                  | 9 According to all the Articles of the Creed.         |
|  | 10. Without   |



10 Without leaven.

10 Without hypocrisie

1 Cor. 5.

11 With bitter herbs.

11 With patience under  
the Crosse.

12 In haste, and in the

12 With an earnest and  
longing expectation of  
life eternall.

13 Only by the Circum-

13 Only by the faithfull  
cised. 1 Cor. 11.

## CHAP. V.

## Of their Pentecost.

**T**HIS Feast was called *pentecost*, the *Pentecost*; which word signifieth the *fiftieth day*; because it was observed upon the *fiftieth day* after the *second of the Passover*; which was the 16. of *Nisan*. Here in the first place wee must note, that the fourteenth of *Nisan* was *pascha*, the *Passover*, the fifteenth *topaz*, the *Feast of the Passover*, or *pascha*, the first of the *Passover*; the sixteenth was *domini pascha*, the *second after the Passover*, or the *morrow after the Passover*, *Levit. 23. 11.* which is all one, as if it had been said, the *morrow after the Feast of the Passover*; for in those feasts which consisted in many dayes, the first and the last were termed *Sabbaths*. Now these fifty dayes were in truth the appointed time of their harvest, their harvest being bounded, as it were, with two remarkable dayes, the one being the *beginning*, the other the *end* thereof: the *beginning* was *domini pascha*, the *second*

<sup>b</sup> Scalig. de emend.  
temp. lib. 6.

<sup>c</sup> τὸ τὸ ἀδινὸν  
ἀδινὸν τὸ τὸ  
τὸ τὸ ἀδινὸν  
τὸ τὸ ἀδινὸν  
lib. 3. cap. 10.

<sup>d</sup> Scalig. lib. 6. de  
emend. temp. pag.  
260.

<sup>e</sup> Plin. lib. 18. cap.  
18. illud ipsud con-  
firmat. Leo Afer se-  
ptuaginta. De  
script. Afr. c. lib. 8.  
cap. 4.

cond of the Passover, the end was *menuni*, the fiftieth day after, called the *Pentecost*. Upon the *Idries*, then they offered a sheaf of the first fruits of their harvest, *Levit. 23. 10.* Upon the *Pentecost*, then they offered two wave-loaves, *Levit. 23. 17.* the sheaf being an oblation offered in the name of the whole Congregation, whereby all the after-fruits thorowout the Land were sanctified, it being from thence afterward lawfull, and not before, to reape the corn, the two loaves being not onely an *Eucharistical oblation*, but also a token of the harvest finished and ended. In the second place we are to know, that they did count these fiftie daies, by numbring the weeks from the *Idries*, whence it was called a *Feast of weeks*. The manner how they counted the weeks, was according to the number of the *Sabbaths* following the *Idries*. Thus the first *Sabbath* following, they called *ad melesior*, the second, *ad melesior*, the third, *ad melesior*, &c. So that all the weeks and *Sabbaths* during the time of the *Pentecost*, as the first, second, third, and fourth, &c. took their denomination from the *Idries*, which observation giveth light to that of *Saint Luke 16. 1.* where there is mention of a *Sabbath* termed *ad melesior*, that is, the second first *Sabbath*, and by it is meant the *Sabbath* next after the sixteenth of *Nisan*, which was the *Idries*. Seeing that these fiftie dayes did measure out the time of their harvest, it will not be amisse to observe the difference betwixt their harvest and ours, which chiefly consisted in their anticipation of time; for both the *Canaanites* and the *Egyptians* began their harvest about the first of *April*, and it was quite finished in *May*.

## CHAR. VI.

## The Feast of Tabernacles.

**T**He <sup>a</sup> Greeke word used to expresse this festi-  
vity, properly signifieth the making of Ta-  
nacles. The <sup>b</sup> Hebrew word a Feast of Taber-  
nacles. The reason of both is, because all the time  
of this Feast, which was full seven dayes (from the  
fifteenth of Tisri, untill the one and twentieth ther-  
of) the people remained in Tabernacles and <sup>c</sup>boothes  
made of boughes, in manner of Arbours or Bowrs,  
yet so, that the first day of those seven, and the last,  
were after a more speciall manner to bee observed  
as <sup>d</sup>holy convocations.

Concerning these boothes the *Jews* write thus:

<sup>a</sup> They ought to bee made in the open aire, not  
within doores, or under the shelter of a tree, they  
ought not to bee covered with cloaths, nor to bee  
made too close with the thicknes of the boughs, but  
with such holes that the Sun and the stars might be  
seen thorow them, and the raine likewise descen-  
ded thorow them. In these they ought to dwell  
those seven dayes, as in their houses; they ought  
to furnish them with household stufte, to lay un-  
der them, and sleepe under them, onely in rai-  
ny weather then they had liberty to eat and sleepe  
in their houses, untill the raine was over-past.  
Feeble persons also, which could not endure the  
smell of the earth, were permitted to stay at home.  
In *Rehemiab's* time they made their booths, some  
upon the roof of their houses (for their houses were

<sup>a</sup> Iansen. Concord.  
cap 73. Item Tol-  
let. in Ioan. 7.  
Σκηνωγία, non  
σκηνωγία.  
<sup>b</sup> חג הסוכות  
Chag, basuccoth.

<sup>a</sup> Munster. Levit.

made flat above,) *Deut.* 22. 8. Some in their courts, some in their streets, *Nehem.* 8. 15.

\* *Plutarch Sym.*  
p. 4. problem 5.

\* *P. Fag. Levit.* 23.

\* *Elias Thibit.*

*Plutarch* making mention of this festivity, saith, that \* these *booths* were made principally of ivy boughs, but the Scripture reckoneth up *four distinct kinds*, *Lev.* 23. 40. which are thought to be, 1. *The Citrine tree.* 2. *The Palme tree.* 3. *The Myrtle tree.* 4. *The Willow of the brooke.* † The *Rabbins* teach, that every man brought every morning his burden of the boughs of these four trees, otherwise he fasted that day. And this burden they termed \* *Hosanna*: in allusion unto this the people cutting downe branches from the trees, and strewing them in the way when our *Saviour* did ride into *Jerusalem*, cried saying, *Hosanna* to the *Son of David*, *Mat.* 21. 9. *Plutarch* scoffing the *Jews*, cōpares this feast with that drunken festiual in the honour of *Bacchus*, in which the *Bacchides* ran up & down with certaine javelings in their hands, wrapped about with ivy, called *Supod*, & in this respect he termeth this feast of the *Jews* *Supo-poeias*, *A bearing about of these Thyrsi*. That feast which the *Athenians* terme *Epanēma*, was not much unlike.

\* *Hosnian. de O-*  
*rig. fest. cap. 7 It.*  
*Dunst. in Calen-*  
*d. p. 150.*

Moreover, on the next day after this feast, they compassed the altar <sup>h</sup> *seven times* with *Palme boughs* in their hands, in the remembrance of the overthrow of *Iericho*: for which reason, or else because that *Palme branches* were the chiefe in the bundle, it was called *Dies Palmarum*, *Palme Feast*.

Concerning the reason of this feast: Some are of opinion, that it was Instituted in memory of that protection which the *Lord* vouchsafed the *Israelites* by the cloud, when they travelled thorow the wilderness, under the shadow of which they travelled

travelled, as under a safe booth or tent. Onkelos in his Chaldee Paraphrase, seemeth to incline to this opinion. Where the Hebrew readeth; That your posterity may know, that I have made the children of Israel to dwell in booths, Levit. 23. 43. The Chaldee rendreth it, That your posterity may know, that I have made the children of Israel to dwell in the shadow of clouds. Others thinke it was instituted as a solemne thanksgiving unto God for their vintage, which was gathered in at that time of the yeare, thence is it that they conceive those Psalmes of David, which are intituled *שירי חג* *pro torcularibus*, to have been composed for this Feast. Others speake more probably, who assigne the cause to bee in memory of their forefathers dwelling in tents and Tabernacles; the text is cleare, Levit. 23. 43.

The sacrifices which were offered these seven daies, are prescribed, Num. 29. from the thirteenth verse to the thirty fourth, where we shal read every day the like sacrifice, but only with this difference, that upon the first day they offered *thirteen* young bullocks, upon the second *twelve*, upon the third *eleven*, and so forward, ever deminishing the number by one. The reason of which diminution, the Jews deliver to be thus: the whole number of bullocks to bee offered at this solemnity was *seventy*, according to the languages of the *seventy Nations*, (for whom, as they teach, these sacrifices were performed) signifying thereby, that there would be a diminution of those Nations, untill all things were brought under the government of the *Messias*, who was the expectation and Hope of the *Gentiles*.

The two and twentieth of the moneth *Tisri*, was

במטה  
ענין  
Theophylact. lo-  
bam 7.

Hospius. de o-  
rig. bujus fest.



in truth a distinct feast as appeareth, *Nehem. 8. 18.* but yet because this immediately followed the feast of *Tabernacles*, it hath beene alwaies counted the last day of that Feast. And not onely the *boughs*, but the <sup>m</sup> *days* of this whole feast of *Tabernacles* were termed *Hosannoth*, from the usuall acclamations of the people, whiles they carried the *boughs* up and downe. And this eighth day was called *Hosanna Rabba*, the great *Hosanna*, or the great day of the feast, *Iohn 7. 37.* Upon this day they did read the last Section of the Law, and likewise began the first, lest they might otherwise seeme more joyfull in ending their sections, than willing to begin them. Upon this day also, by the institution of the Prophet *Haggai*, and *Zacharie*, and such like *Propheticall* men, they did with great solemnity and joy, bring great store of water from the river *Shiloh*, to the *Temple*, where it being delivered unto the *Priests*, it was powred upon the Altar together with wine, and all the people sung that of the Prophet, *Es. 12. 3. with joy shall yee draw water out of the wells of salvation.* Our Saviour is thought to have alluded unto this, in that speech which he used on this very day, *Ioh. 7. 38. He that beleeueth in me, out of his belly shall flow rivers of waters of life.*

It is worth our noting also, that whereas God commanded the observation of this feast on the fifteenth of the seventh moneth *Tisri*, *Ieroboam*, that he might worke in the people a forgetfulness of the true worship of God, appointeth the celebration of a feast in the eighth moneth on the fifteenth day thereof, which is thought to bee this very feast of *Tabernacles*.

<sup>m</sup> Talmud, tractat. de festo Tabernaculorum, cap. הליל. Vid. Tremel. Ioh. 7. 37.

<sup>m</sup> Buxtorf. in abbreviatur. p. 253.

<sup>m</sup> Tremel. Ioh. 7. 37. ex Talmud.

<sup>r</sup> Hospinian. de Orig. iud. p. 24.

## CHAP. VII.

Of the Feasts of Trumpets, and their  
New-Moones.

For the understanding of the time when this Feast was to be observed, wee must note the moneth *Tisri* was the *seventh moneth*, according to their *sacred Computation*, and therefore it is commanded to be celebrated the first day of the *seventh moneth*, *Levit. 23. 24.* But according to their *civill Computation* it was their *first moneth*, so that this feast may be termed their *New-yeeres day*.

The first day of every moneth had its solemnities. *First*, when they repaired to the *Prophets* for the hearing of the word as on other *Sabbaths*. Wherefore wilt thou goe to him to day? It is neither *New Moone* nor *Sabbath day*, *2 King. 4. 23.* *Secondly*, it was then unlawfull to buy and sell: When will the *New Moone* be gone that we may sell corn? *Amos 8. 4.* *Thirdly*, they had then speciall sacrifices over and above their daily sacrifices.

Notwithstanding, this feast of *Trumpets* differed from other *New-Moons*. First in respect of the sacrifices, in their ordinary *New Moons*, they offered (besides the daily sacrifice) *two bullocks, one ram, seven lambs for burnt offerings*, with their meat and drink offerings, and a goat for a sinne offering, *Num. 28. 11. 15.* But at this *New Moone* which was the beginning of their year, they offered all the fore-said sacrifices, and over and besides them, *one bullocke,*

<sup>a</sup> Sheindler in voce  
75W

locke, one ram, and seven Lambes for burnt offerings; and a goat for a sinne offering, Num. 29. 1. 6. Secondly, in other new Moones they blowed no Trumpets: In this they blowed from the Sun-rising till night: Whence wee learne what new Moone it is that David speaketh of, 1 salm. 81. 3. Blow the Trumpet in the new Moone, in the time appointed at our feast day.

The reason in generall of this blowing and great noise of Trumpets, I take to have been to make their New yeeres day the more remarkable, because from it all their deeds and contracts bore date, and their Sabbathall yeeres and Iubiles were counted thence: but why it should bee made remarkable by the sound of Trumpets, or Cornets, there are three conjectures.

<sup>b</sup> P. Fag. Levit. 23.

<sup>c</sup> Rashi in Psal. 80.

Firstly, the Hebrews thinke it was done in memory of ~~that~~ his deliverance, and that they did therefore sound rams hornes, because a ram was sacrificed in stead of him. Secondly, Basil is of opinion that the people were hereby put in mind of that day, where in they received the Law in Mount Sinai with the blowing of Trumpets. Thirdly, others thinke it was to put them in remembrance of the resurrection, which shall bee with the sound of Trumpets, ~~and the Angel shall blow a great sound of a Trumpet, 1 Thim. 4. 1.~~

<sup>d</sup> Scalig. de emend.  
temp. pag. 26. 11.  
pag. 105.

There are three things considerable in New Moones. First, ~~when~~ the conjunction of the Moone with the Sunne. Secondly, ~~when~~ the waxing of the Moone. Thirdly, ~~when~~ the prime of the Moone. In the first it was quite darke: in the second it did open itself to receive the Sunne-beames: In the last it did appeare, corniculata, horned.

Because

Because in all these three degrees of the change there was a kind of mutuall participation both of the old and new Moone; \* Hence the Jewes observe two dayes, namely, the last of every Moneth, and the first day of the next following. Now because the thirtieth was the last in their longest moneths; Hence Horace calleth these last daies, *Tricesima Sabbata*: The first dayes they termed, *Neomenias*, new Moons.

\* Hospi. de Orig.  
fest. c. 4. p. 15.  
Eadem ratio tenet  
etiam in illis men-  
sibus qui constant  
29 diebus.

For certaine reasons the Jewes used a kinde of change or translation of daies, which translation, though it were of use in other moneths also, yet the greatest care was had in translating the beginning of their yeere, or their first day in their moneth *Tisri*, and hee that shall diligently calculate these changes, shall find that all other translations depended on this first.

Translation of dayes was <sup>f</sup> threefold. First, *Lunary*: Secondly, *Politicke*: Thirdly, *Mixt*.

\* Scalig. de emend.  
temp. l. 3. p. 85.

The reason of *Lunary translation*, was, that they might not observe the Feast of the *New Moone*, untill the old were quite over-past. For the understanding of this, note these three rules.

First, the *Hebrews* counted their holy daies from night to night, beginning at six of the clocke; so that from six of the clocke the first night, till the next noone, were just eightene houres.

Secondly, alwaies before the *new Moone*, there is a conjunction betweene the *Sunne* and the *Moone*; during this conjunction she is called *Luna filens*, by reason of her darknesse, and all this time there is a participation of the *old Moone*.

Thirdly, when the conjunction was over-past before noone-tide, namely, in any of these first 18.

T

hours,

houres, then the new *Moone* was celebrated the same day. <sup>1</sup> But if it continued but one minute after twelve of the clock at noon, then the feast was *translated* to the day following, because otherwise they should begin their holiday in time of the old Moone. And this translation they noted with this abbreviation *18*, that is, 18. because of those 18. houres which occasioned it.

The reason of *Politicks translation*, was, that two *Sabbaths* or feast dayes might not immediately follow each other, <sup>2</sup> because, say they, it was unlawful those two dayes, to dresse meat, or bury the dead, and it was likewise inconvenient to keepe meat dressed, or the dead unburied two dayes. Yet here two exceptions must be remembred, when the meeting of two *Sabbaths* could not be avoided.

First, when the *Passeover*, or the fifteenth day of *Nisan* fell on *Saturday*, for then the *Pentecost* must needs fall on *Sunday*.

Secondly, when the *Passeover* fell on *Sunday*, for then their *Passeover* immediately followed their *weekly Sabbath*.

The first <sup>3</sup> Author of this *Politick translation*, was a certaine chiefe man amongst them, named *Eleazar*, three hundred and fiftie years before *Christ* his *Natiuitie*.

The severall species or kinds of *Politick translation* were five. The first, *18* *Adv*. The second, *18* *Badu*. The third, *18* *Gab*. The fourth, *18* *Zabad*. The fifth, *18* *Ag*. For the understanding of these abbreviatures, we must know that in these made words the letters only stand for numbers, and are applied to the seven dayes of the week thus; 1.

1. *Sunday*.

<sup>1</sup> Munster. Calend.  
Hob. p. 46.

<sup>2</sup> Munster. Calend.  
p. 139.

<sup>3</sup> Haffnian. de O.  
reg. fest. p. 6.



1. Sunday. 2. Monday. 3. Tuesday. 4. Wednesday. 5. Thursday. 6. Friday. 7. Saturday: which was the Jews Sabbath.

Their rules touching Politicke translation stood thus. First, that neither their New yeeres day, which was the first of the moneth Tisri; neither their Feast of Tabernacles, which was the fifteenth day of the same moneth, should bee celebrated on Adu, that is, on Sunday, or Wednesday, or Friday. Not on Sunday, or Friday, because then the weekly Sabbath must needs concur with it, either going immediatly before, or following after: not on Wednesday, because then the Feast of expiation, which is the tenth of that moneth, would fall on Friday, the day going immediatly before their weekly Sabbath. This instance is only concerning the first of Tisri, which is called the Feast of Trumpets: but it holdeth also by way of consequence in the fifteenth day, which is the Feast of Tabernacles, because the fifteenth must alwayes necessarily bee the same day of the weeke that the first is. Therefore if the first bee not Adu, the fifteenth cannot be Adu.

The second rule, was, that the Paschever should not be observed on Badu; that is, on Monday, Wednesday or Friday.

The third rule is, that Pentecost was not observed on Gahaz; that is, on Tuesday, Thursday, or Saturday.

The fourth rule, is, that the Feast of Pasim, or casting lots, was not observed on Zabad, that is, on Monday, Wednesday, or Saturday.

The fifth rule, is, that the Feast of Expiation

was not observed on *Agu*; that is, on *Sunday*, *Tuesday*, or *Friday*.

*Mixt translation*, is, when both the *Lunary* and the *Politick* meet in the changing of daies. And the *Translation* occasioned by this mixture or meeting of both these two, is two-fold. First, *Simple*: And secondly, *Double*.

*Simple translation*, is, when the *Feast* is translated to the next day following. For examples sake, If the *Moone* changed after noone tide on *Sunday*, here the *Feast* must bee translated for two reasons: the first is *Lunary*, because the point of the change was after *eighteen hours*; the second, *Politick*, because the rule *adu* forbids *Sunday* to be kept; notwithstanding in as much as the very next day, namely *Munday*, was observed; I terme this translation *simple*. Of this sort was that translation which they called *Batu takphat*.

*Batu takphat.*

בטן תפח *Batu takphat*, is a word invented for helpe of memorie, each letter is a numerall, and may bee thus resolved, בטן תפח 589. The meaning is, that in the year following *Annum Embolymæum* (wherein one whole moneth was ingrafted) if the point of the change hapned upon the second day of the week, that is, *Munday*, not before the fifteenth houre and the 589. moment, the *Feast* of the *New Moone* was translated unto *Tuesday*. How both the *Lunary* and the *Politick* translation worke in this change, read *Scaliger de emend. lib. 2. p. 87.*

*Double translation*, is, when the *Feast* is translated not to the next, but to some further day: as if the first day of the moneth 7374 should happen upon *Saturday*.

*tuesday*, here if the Moone hath not over-past her conjunction before the afternoone, *Lunary translation* removeth this Feast till *Sunday*, because of *ny* that is, the *eighteene hoares*: *Politicke translation* removeth it till *Munday*, as appeareth by the rule *Ady*, forbidding *Sunday*. Of this sort is *Gatrad*.

*Gatrad*, is a made word, each letter is a numerall, and it may bee thus resolved, *23. 09. 77. 204*. The meaning thereof is thus: In their common year (which an whole moneth is not inserted) if the point of the change happen upon the *third day* of the weeke, that is, *Tuesday*, not before the ninth hoare, and the *204*. moment of an hoare, then the *New Moone* shall bee translated to *Thursday*.

Note in the last place, that *1080. moments* make an hoare. Manster, Calend. pag 45.

The Feast of *Tabernacles* was observed in the moneth *Tisri*, and therefore that could not be observed the morrow after the *Sabbath*, as appeareth by the rule *Ady*. The *Passeover* was observed in the moneth *Nisan*, and therefore that might bee observed the morrow after the *Sabbath*, as appeareth by the rule *Bady*. If any aske the reason why the *Passeover* might bee observed the next day after the *Sabbath*, seeing the Feast of *Tabernacles* might not: I take it to bee thus: All the *after translation* depended upon the *first translation* of the *first new Moone* in *Tisri*, but that could not be so changed as to prevent all concurrence of two Feasts, and thus to have their *Passeover* sometimes to follow their *Sabbath*, they thought the most convenientest ordering.

dering of the yeere, because though not all meetings of two *Sabbaths*, yet most were hereby prevented.

This tract of translation of *Feasts*, it serveth partly to open the customes of the *Jews*: partly to give light for the understanding of that great dispute among *Divines*, whether our *Saviour* did anticipate the *Passover*. The *Greek Church*<sup>1</sup> holds, that he kept

<sup>1</sup> Epiph. l. 2. Tom. i. cap. 51. pag. 147.

a *Passover* by himselfe with his *Disciples*, on the thirteenth day of the moneth, when unleavened bread was not yet to be used; and thence they do both use and urge a necessity<sup>2</sup> of leavened bread in the *Lords*

<sup>2</sup> Vñ fermenta-  
tiparia in cena  
Dominica Ecclesiæ  
Romana olim non  
damnavit. Casau-  
bon. exercit. 16. p.  
465. <sup>3</sup> Munster. in  
Matth. cap. 26.

Supper: But this opinion we reject. First, because it accordeth not with the truth of *Evangelicall History*. Secondly, because it plainly maketh *Christ* to be a transgressor, not a fulfiller of the Law. <sup>4</sup> Others

<sup>4</sup> Joseph. Scalig. de  
emend. temp. lib. 6.  
pag. 166.

say, that because that yeare their *Passover* fell on *Friday*; hence the *Feast* was translated unto *Saturday* by the rule *Bada*. Their inference is, that *Christ* kept the fourteenth day of the moneth, which was *Friday*, and the *Jews* kept *Saturday*. He kept Gods

command, they the tradition of the *Elders*. <sup>5</sup> Lastly, others more probably hold, that both *Christ* and the *Jews* did eat the *Passover* the same day and houre, namely, on *Friday*, or the fourteenth day of the moneth, if we count the beginning of *Friday* according to the manner of the *Jews*, from six a clock at night on *Thursday*. *Friday* morning he was judged, and crucified; and in the after noone, about three of the clock, when the preparation of the *Sabbath* began, he was buried; There layed they *Iesus*, because of the *Jews* preparation, *Ioh. 19. 24.*

For reconciling the *Evangelists* in this point wee must



must note these particulars which are more at large proved in the Chapter of the *Passover*. 1. The *fourteenth* day of the moneth, on which the *Paschal Lamb* was eaten, was called the *first day of unleavened bread*, the *Feast of unleavened bread* drew neere, which is called the *Passover*, *Luk. 22. 1.*

The *fourteenth* day was not holy, but the *fifteenth* was. In the *fourteenth* day of the first moneth is the *Passover* of the Lord, and in the *fifteenth* day of this moneth is the *Feast*, *Numb. 28. 16. 17.* Some of them thought, because *Judas* had the bag, that *Jesus* had said unto him, Buy those things that we have need of against the *Feast*, *Ioh. 13. 29.*

The *sheepe* and *Bullocks* offered upon this day, are called the *Passover*, *Deut. 16. 2.* And of this we are to understand Saint *Iohn* 18. 28. They themselves went not into the common hall, lest they should be defiled, but that they might eat the *Passover*. So that this eating of the *Passover* is not understood of the *Paschal Lamb*. But some may question how they should have been defiled by entering into the common hall? The answer is, that upon *Holy dayes*, which they terme *daies of preparation*, they held it unlawfull for their *Judges* to sit on life and death. Hence it is, that they brought *Jesus* to Pilate the *Roman Deputy*. Secondly, they with-drew themselves out of the common hall. Thirdly, for this reason they said, *It is not lawfull for us to put any man to death*, *Ioh. 8. 2. 31.* That is, upon this, or such like day; for though their high Court of *Sanedrin* were put downe at this time; yet all power in *Caesars* of life and death was not taken from them, as is implied in the words following. It was that

the

אין בנין  
רני נפשו  
אשר  
שבת  
יו  
רבי

2. of's best Mai-  
mon lib. ult. l. ad 6.  
Sanedrin. 5. 11.  
e. August tract.  
114 in Ioan. 112  
hunc locum expo-  
nunt etiam Cyrillus  
lib. 2. in Ioan. c. 1.  
6. Chrysostomus hom.  
12. in Ioan. Bedae in  
capit. 8. Ioan.



the word of *Iesum* might be fulfilled, which he spake, signifying what death hee should die, *vers. 32.* Which text intimateth, that that unlawfulnessse was urged by the speciall providence of *God*, that he might be crucified, being judged by *Pilate*: for if the *Iewes* had judged, they used no such kinde of death towards malefactors. Againe, *Stephen* was condemned by them to bee stoned, *Acts 7.* And they complained before *Felix*, that when they were about to proceed against *Paul* according to their owne law, the chiefe Captaine *Lysim* with violence tooke him out of their hands, *Acts 24.* Which argueth, that all power in causes capitall was not taken from them: But of this see the *Chapter of their capitall punishments.*

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### CHAP. VIII.

#### *The Feast of Expiation.*

**V**Pon the tenth day of the moneth *Tisri*, answering to *September* with us, the *Feast of Expiation* was commanded to bee celebrated, *Levit. 13.* It was called the *feast of Expiation*, because the *Higb Priest* did then confesse unto *God*, both his owne sinnes, and the sinnes of the people, and by the performance of certaine rites and ceremonies expiate them, and make an attonement unto *God* for them.

The *Ceremonies* at this time to bee performed, concerned either the *people and the Priest*, or the *Priest alone*. These which concerned the *people & the Priest*,

Priest, consisted in the afflicting of their soules by fasting. Whence this feast was also called *Dies jejuniij*; the fasting day, *Ier. 36. 6.* Which serveth for the understanding of that, *Acts 27. 9.* Sailing was now dangerous because the feast was already past; that is, the Feast of Expiation was now past, and winter was at hand.

Those Ceremonies which concerned the Priest alone, were two; First, then the High-Priest entred into the Holiest of Holies, which was peculiar unto this day. Secondly, hee being about to sacrifice for himselfe and his house, hee tooke unto him a young Bullocke for a sinne offering, and a Ram for a burnt-offering, putting on his Priestly robes: after he had washed himselfe in water, he took of the Congregation two he-goats for a sin-offering, and a Ram for a burnt-offering. The two he-goats he presented before the Lord at the doore of the Tabernacle, casting lots which of them should bee sacrificed, which let scape alive. This last was termed the *scape-goat*, because the other being slaine, this was sent alive into the wilderness. The Greeke Interpreters call this Goat *ἀνομιμαίον*, *Malorum depulserem*, A defender from evils; which name the Heathens applied to their Tutelar Gods. They intimated, that when the Scape-goat carried away the finnes of the people into the Wilderness, hee likewise carried away all those evils, which belonged unto those finnes. And for the securing the people in this point, the Lord commanded the High Priest to confesse in the name of all the people, and to discharge the finnes of the whole Congregation upon the head of the Scape-goat. The forme of Confession,

V

accor-

*Joseph. de bell. Jud.  
pag. 43.*

*גִּזְרֵי אֶזְרָא, ex  
Gnez capra, &  
אֶזְרָא,  
abijt. R. D. Kim-  
chi in radic.*

according to the relation of the Hebrew Doctors,  
 P. Fac. Levit. 16. was this: <sup>c</sup> O Lord, thy people, the house of Israel, they  
 have sinned, they have done wickedly they have trans-  
 gressed before thee, I beseech thee now, O Lord, pardon  
 the sinnes, iniquities, and transgressions, with which  
 the people, the house of Israel have sinned, done wicked-  
 ly, and transgressed before thee, as it is written in the  
 Law of thy servant Moses: that in that day I shall  
 make attonement for you, that hee might cleanse you,  
 and that you might bee cleane from all your iniquities  
 before the Lord.

<sup>d</sup> Buxtorf Synagog.  
 cap. 10.

The moderne Jewes now (because there can be no  
 proper sacrifice, the Temple of Ierusalem being de-  
 troyed) the men they take a *white cocke* on this day,  
 the women an *hen*. <sup>a</sup> This cocke they swing three  
 times about the Priests head, saying *Gallus Gallina-*  
*ceus hic commutatus erit pro me*; That is, *This cocke*  
*shall be a propitiation for me*. After that they kill the  
 cocke, acknowledging themselves worthy of death;  
 and then they cast the entrails upon the top of the  
 house, that some Raven or Crow might carry both  
 them, and together with them, their sinnes into  
 the wilderness. And lest they might seeme to bee  
 mad without reason, they assigne the cause why  
 they make choice of a cocke, at this time, to be this.  
 This word <sup>\*</sup> *Gebher* in the holy language signifieth  
 a man, in their *Palmud* it signifieth a cocke. Now,  
 say they, the justice of God requires, that as *Gebher*  
 sinned, so *Gebher* should make satisfaction. From  
 this feast of Expiation it is probable, that the *Greci-*  
*ans* used an yearly Expiation of their Cities, which  
 was performed on this manner: Certaine con-  
 demned persons were brought forth with garlands  
 upon

upon their heads, in manner of sacrifices, these they would tumble from some steepe place into the sea, offering them up to Neptune, \* using this forme of words, *ἱκετήρια ὑμῶν*, *Sic pro nobis peripitima*: As if he had said, Be thou a reconciliation or propitiation for us. The like kinde of expiation was used among them in time of any pestilence, or contagious infection; for the removall of such diseases, they then sacrificed certaine men unto their Gods, \* such men they termed *ἱκεταί*. These two words are used by the Apostle, 1 Cor. 4. 13. and they are translated *filth and off-scouring*: wee are made as *ὡς ἡ κομιγὴ τοῦ κόσμου*, the filth of the world, and as the off-scouring of all *ὡς ὁ καθαρισμὸς τοῦ κόσμου*, *Vetus Scholiast. in Aristophan.* dirt scraped off mens shooes, or from the pavement of the ground: But in *Eudem.* his opinion, the Apostle had allusion unto those kindes of expiations in use among the *Heathens*. As if hee had said: Wee are as despicable and as odious in the sight of the people, as much loaded with the revilings and curlings of the multitude; as those condemned persons, who were offered up by way of publique expiation.

Now seeing at this feast principally the *High Priest* was a *type of Christ*, it will not bee amisse to note the agreement betweene the *type* and the *truth*.

Aaron.

Christ.

1. The High Priest went into the Holiest of all  
*Levit. 16. 3.*
2. Hee went once a yeare, *Exod. 30. 10.*
3. He with the bloud of goats and calves, *Heb. 9. 12.*
4. He alone, *Heb. 9.*
5. He clothed with his Priestly robes, *Levit. 16. 4.*
6. He tooke two goats, *Levit. 16.*
7. The goat did beare the peoples iniquities.
1. Christ our High Priest went into the Holy place, namely the heavens, *Heb. 9. 12.*
2. He entred once, *Heb. 9. 12.*
3. He by his own bloud, *Heb. 9. 12.*
4. Hee alone hath trodden the wine-presse, *Isay 63. 3.*
5. He ordained and sealed to this office, by his Father from all eternity.
6. He tooke two natures: the impossibility of his God-head was shadowed by the Scape-goat: his sufferings in his Man-hood, by the goat that was sacrificed, *Theodoret. Quæst. 12. in Levit.*
7. Christ was made sin for us, *2 Cor. 5. 21.*

CHAP.



CHAP. IX.

*The Sabbaticall yeare, or Seventh  
yeares rest.*

**A**S every seventh day was a *Sabbath day*, so every seventh year was a *Sabbaticall yeare*, *Levit. 25.* And as the *Sabbath day* signified that they themselves were the *Lords*, and therefore they abstained from their owne worke to doe the *Lords*: So the *Sabbaticall yeare* was to signifie, that both they and their land was the *Lords*.

The observation of this feast consisted chiefly in two things. *First*, in the not tilling or manuring of their ground, whence it was called \* *Schabath Haaret*, the *Sabbath of the Land*, *Lev. 25.6.* *Secondly*, in the Creditors discharging their debtors, and releasing their debts, and thence it was called \* *Shemittah laihova*; The *Lords release*, *Deut. 15.2.* שבת הארץ שמיטה ליהוה

Seeing they were that yeare forbid to till their ground, here question might bee made what they should eat then in the time of this intermission.

*Answe.* *I will command my blessing upon you in the sixth yeare, and it shall bring forth fruit for three yeares, Levit. 25.20, 21.* saith the *Lord*.

Seeing every seventh yeare, debts according to Gods command were to bee remitted, some might demand whether this might not much endamage their estates if they did lend, or harden their hearts not to lend.

*Answe.* It could not endamage their estates, for

it is a most infallible *Maxime*: No man is a loser by serving God. Whence the Hebrewes themselves interpret this to bee rather *Mandatum probationis*, A command of triall, such as Abrahams offering up of Isaac was, which God commanded, not intending that hee should bee sacrificed, but that Abrahams love might bee tried; rather than *Mandatum obedientie* A command of obedience. To this purpose speaketh *Aben Esra*, interpreting these words, *Save when there sh all bee no poore among you, Deut. 15. 4.*

<sup>c</sup> *Aben Esra, Deut.* <sup>15. 4.</sup> That is, saith he, as if the Lord had said, Know that that which I have commanded thee, that thou shouldest not exact of thy brother, will be needlesse. If all Israel, or the greater part obey the voice of God, then there shall be no poore amongst you, to whom it shall bee needfull for thee to lend: yea all of you shall bee able to lend to many nations.

The reasons why this Feast was instituted, are thought to bee, *First*, to teach the people to depend upon Gods providence by faith; for though the owner of the field might gather even on that yeare for the maintenance of himselfe and his familie, *Levit. 25. 6.* yet he was neither to sow his field, thereby to make his harvest the greater; nor to hedge his field, or locke up his corne-yard, thereby to enjoy the propriety, but to let all bee common, and every mans hand equall in every place. *Secondly*, they were hereby put in minde of that happy estate, which Adam enjoyed in his innocency, when the earth brought forth her increase without manuring. *Lastly*, it shadowed forth that everlasting Sabbath which we expect in the heavens. <sup>a</sup> And some conjecture this to be the ground of *Rabbi Elias* his opinion, <sup>b</sup> that the

<sup>a</sup> *Vid. Hospinian. de orig. hujus festi.*  
<sup>b</sup> *Talmud. in Sabbatrim c. Helce.*

world should continue for six thousand yeares, but the seventh thousand should bee the great Sabbaticall yeare. The six thousand yeares answered the six working-dayes of the weeke, the seventh answered our Sabbath, according to that, A thousand yeares are but as one day with the Lord, 2 Pet. 3. 8. Elias his words are these; Six thousand yeares the world shall bee, and againe it shall bee destroyed: <sup>2</sup> Two thousand shall bee void, two thousand under the Law, and two thousand under the Messias. The substance of this prophecy howsoever wee reject as too curious, yet seeing that a Jew spake it, it may serve to prove against them; First, That the Messias is already come: Secondly, That Moses his Law ceased at his coming.

ב אלפי  
חורב  
אלפי חורב  
ב אלפי  
חורב  
המשיח

Duo milia inani-  
tatis, duo milia di-  
crum Messie. Tal-  
mud in Smedrin.  
t. Helec.

## CHAP. X.

## Of their Iubile.

**T**His is the last festivall which God commanded the Jewes; it was celebrated every fiftieth yeare. It is commanded, Levit. 25. 8. Thou shalt number seven Sabbaths of yeares unto thee, &c. The English word Iubile is derived from the Hebrew יובל Iobel, signifying a ram; it signifieth also a rams horne. Seven Priests shall beare before the Arke seven Trumpets of rams hornes, Josh. 6. 4. where the word Iobelim is used, and is expounded by the Chaldee Paraphrast, rams hornes. Marbachius is of opinion, that this yeare was called their Iubile, <sup>2</sup> from Iubal, the first inventor of musicall instruments, of whom we reade, Gen. 4. 21. Iubal was the

Marbach. in Le-

father

facher of all such as handle the Harp and Organ: Other Authors deliver other reasons of the name; but it is most probable that this yeare was termed the yeare of *Iubile*, from *Iobelim*, the rams horns then sounded. There were five maine uses of this Feast.

*First*, for the generall release of servants, *Secondly*, for the restoring of lands and tenements unto their first owners, who formerly sold them. *Thirdly*, hereby a true distinction of their Tribes was preserved, because lands returned unto their owners in their proper Tribe, and servants to their owne Families.

<sup>a</sup> *Hospinian. de O. rig. fest. l. 9.*

<sup>d</sup> *Fourthly*, Some are of opinion, that as the *Grecians* did compute their times by the number of *Olympiads*; the *Romans* by their *Lustra*; the *Christians* by their *Inditions*; So the *Jewes* by their *Iubiles*. Lastly, it did mystically shadow forth that spirituall *Iubile*, which *Christians* enjoy under *Christ*, by whose blood we have not onely a re-entry into the Kingdom of heaven, which wee had formerly forfeited by our sinnes (and this was haply signified by the *Israelites* re-entry upon their lands formerly sold) but also the sound of the *Gospell* which was in this Feast typed out unto us by the noise of *Trumpets*, is gone thorowout the world. And thus the Lord God hath blowne the *Trumpet*, as *Zacharies* phrase is, *Zachary 9. 14.* But neither this release of servants, nor restoring of lands, was <sup>e</sup> untill the tenth day of the first moneth *Tisri*, at which time it was proclaimed by the sound of *Trumpets*, or rams hornes; the nine first dayes of this moneth the servants feasted and made merry, and wore garlands in token of their libertie approaching.

<sup>e</sup> *Moses Egyptius in halacha Sche-mita Veiobel o. 10.*

## СНАР. XII

### The Feast of Purification and the Feast of Consecration or Dedication.

**P** is a Persian word, and signifies a lot, whence this Feast of lots is called *Purim*. (1) *Esther* is a Persian word, it began on the fourteenth of *Adar*, and continued till the end of the fifteenth. *After* 9. 21. It was instituted by *Mordecai*, in remembrance of the Jews' delivery from *Haman*, before whom lots were cast day by day, and monthly by month, for the destruction of them. In these two days they read the History of *Esther*, in their *Synagogues*, and as often as they hear mention of *Haman*, they do with their fists and hammers beat upon the benches and boards, as if they did knock upon *Haman's* head.

The *Fest of Dedicacion*, is termed in the *New Testament*, *Egyima*.<sup>a</sup> a *Fest* wherein something is renewed; because those things onely are reputed consecrated, which are separated from their common use, and dedicated to some *new* and holy use. We shall read of many things *consecrated* in the *old Testament*; The *Tabernacle*, the *Temple*, *Priests*, *Altars*, *Vessels*, and *Garmes*: but there was no anniversary or yearly solemnity appointed to be observed in remembrance of their *Consecration*. The *Consecration* therefore which we now speak of, being an yearly festivall, was the *consecration* of the *Altar* appointed by *Judas Maccabæus* to be observed from yeare

2. *Hoffmann de*  
*fest. fol. 33. ex An-*  
*tonio Margarita*  
*in lib. de ceremoniis*  
*Indorum.*

[illegible]

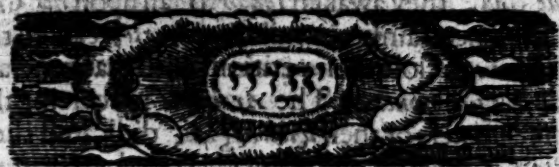


to yeare, for the space of eight dayes, from the five and twentieth of the moneth *Cassew*, which answereth in part to our *December*, *1 Maccab. 4. 59.* Of this *Saint John* speaketh, and as he mentioneth our *Saviour's* presence there, so hee intimateth the time to be about *December*. *It was at Jerusalem, the Feast of the Dedication, and it was winter, John 10. 22, &c.*

The reason of this Feast, was in remembrance of that great mercie which God shewed unto his people, in delivering them from the tyrannie of *Antiochus*, and the *idolatry* which hee had forced upon them, setting up the *idol of Iupiter* in the Temple of God, and abolishing the true worship of God.

These two Feasts are of *humane institution*, and others might be added unto them, but little is to be added or nothing at all to that which is delivered concerning them, in the places of Scripture where they are mentioned.

THE



THE  
FOURTH BOOKE  
Of their Idolatrie.

CHAP. I.

*The beginnings of Idolatry.*

**T**He infinitenesse of Gods Majestic far transcendeth the capacitic of created natures, and if we consult not with Gods owne Oracles, though the sense of a Deity may be imprinted even in an Atheists heart, yet so far shall he be from all right understanding of God, that he will adore the creature in stead of the Creator, and when hee hath multiplied the number of his gods, according to the number of the starres in heaven, and creeping things on earth, yet still his heart will bee doubtfull, whether hee hath worshipped the true God, nay whether the true God be not utterly unknown. For this reason the mariners in *Jonahs* ship cried every man unto his god, *Jonah* x. 5. Every man to his owne god, and lest they might all mistake the

<sup>a</sup> Serv. in Georgie.  
lib. 1.

<sup>b</sup> Gerald Syn.  
24 m. 17.

<sup>c</sup> Νῆ τὸν ἄ-  
γνωτον θεόν.  
Lucian in Philopar-  
tride.

<sup>d</sup> Pausanias in Ar-  
tican.

<sup>e</sup> Ovid. Aeneas, 2.  
Pupinus, 2. A-  
stus, 2. d. 2. 2. 2.  
2. 2. 2. 2. 2. 2. 2.  
2. 2. 2. 2. 2. 2. 2.  
2. 2. 2. 2. 2. 2. 2.  
2. 2. 2. 2. 2. 2. 2.

<sup>f</sup> Alex. ab Alex.  
lib. 4. cap. 4. Tyr-  
quellus in lib. 1.  
cap. 1.

true God, they awaken *Isaiah* to call upon his God. This uncertainty attending *Idolatrie*, caused the Heathens to close their petitions with that generall, *Dis deaque omnes*. The *Arabians* perceiving the insufficiency of their known gods, dedicated their Altars, *Ignoto Deo, To the unknowne God*. At *Athens*, Saint *Paul* found an Altar with the same inscripti- on, *Aff. 17. 23*. Hence other neighbour countreyes were wont to sweare <sup>c</sup> by him that was unknowne at *Athens*. From this doubt and distrust among the *Athenians*, what God was? and who he was? sprang another uncertainty amongst them, as dangerous as the other, dividing and sharing that undividable unitie of the God-head, betweene I know not what compires and equals, so that they had other Altars mentioning a pluralitie of gods: <sup>d</sup> the inscription being *τῷ ἀγνώστῳ, The Altar of the unknowne God*; yea the compleat and intire inscription of this Altar which Saint *Paul* saw, is thought to have beene thus, *To the Gods of Asia, Europe, and Africa, to the unknowne and strange God*. Which observation implicth the practise to have symbolized with other *Heathens* in that fore-mentioned clothe, *Dis deaque omnes, Call yet to I know not what for help*. This distrust I thinke to be the chiefe reason why they worshipped the unknowne God, though I deny not but the Altars might bear this title, to conceale the name of their *Idol* God, unto whose protection they had committed themselves, because the *Heathen* people generally conceived that if they call name, to whom they dedicated. *Idols* were knowne, then the same might by some magicall incantation or charme,

chisme; call him forth; and cause him to forsake  
the Gire: For the better preventing of which  
manner of evocations, the *Egyptians*, the *Eusemo-*  
*nians*, and other Nations fettered and chained  
their gods, that they might not depart. Againe, it  
might be done in imitation of the *Levi*, who about  
the time of our Saviour his incarnation, held it un-  
lawfull to pronounce that essentiall name of God,  
*Jehovah*, and in stead thereof would read *Adonai*.  
The occasion of this concealment of the name *Je-*  
*hovah*, I take to have been originally, to prevent  
the blaspheming of that holy name among the *Hea-*  
*thens*, who had learned from that name to denomi-  
nate their *Idols*. *Jane, Iud, Iuvah, Iahus, &c.* Hence af-  
terward the forbearing the name became supersti-  
tious, and so far prevailed, that they corrupted the  
text for the defence thereof, *Exod. 3. 15.* This is  
my name *יהוה legolam, for ever*: they read  
*יהוה legolam, so bee concealed.* Though I deny  
not but that name was alwaies in some sense ineffa-  
ble: namely, as *Plinio* saith, the names of the *A-*  
*frican* people and Townes were ineffable, that is,  
such as other languages could not expresse without  
circumlocutions.

*Macrob. Saturn.  
lib. 3. cap. 9. v.*

*Vid. Macrob. Sa-  
tur. lib. 1. cap. 18.  
St. Ireneum lib. 2.  
cap. ult. Item Orig.  
contra Cels. 1. 6. fol.  
76. col. 3. v.  
Vid. P. Galatin.  
lib. 2. cap. 10.*

*Plin. in Proem.  
lib. 5. lib. Natur.*

As those forementioned *Idolatrous* names, were  
nothing else but so many depravations of the name  
*Jehovah*: so the Originall of many other ensuing  
kinds of *Idolatry*, proceeded at first from mis-  
construction of Scripture. They having learned  
by tradition, that the Sunne, Moone, and Stars,  
had a kinde of Lordship and rule over day and  
night, times and seasons: Hence the superstitious  
ignorance of those people desired those lights



of Heaven and worship them as gods. Afterward  
 corruption prevailing, their *apothecops*; or god-ma-  
 king *Ceremonies*, were extended to sublimary crea-  
 tures, partly as *symbola*; or representative signes of  
 those greater and more glorious lights; for this rea-  
 son the *Chaldeans* worship *fire*; and *Vr*, of the  
*Chaldeans*, mentioned *Gen. 1. 1.* which signifieth fire  
 or light, is thought to be the very god of the *Chalde-  
 ans*, though in that place the name *Vr*, bee applied  
 to some chiefe Citie, from the name of the Idoll.  
 Yea, the god of *Nabors*, *Gen. 2. 1. 53.* is thought to be  
 no other; partly also the inferiour creatures were  
 canonized for gods; in way of thankfulness for the  
 benefits received from them, for which reason the  
*Sea*, the *winds*, the *aire*, the *earth*, and *fruits* of the  
*earth* became deified. At last, well-deserving men, nay  
*Crocodiles*, *Serpents*, *Rats*, *Cats*, *dogs*, *Garlicke*, and  
*Onions*, were reputed gods.

## CHAP. II.

Of *Moloch*, *Adram-Melech*, *Anam-Melech*, *Baal*,  
*The Tabernacle of Moloch*, *Chinn*, *Rempbar*,  
*Horses consecrated to the Sun*,  
*Thamuz*.

OF the Idoll *Moloch* wee read in divers places  
 of Scripture, *1 King. 11. 2 King. 23. 10. Le-  
 vit. 18. 21.* Hee is sometimes called *Mo-  
 loch*, sometimes *Melech*, sometimes *Milcom*. He was  
 the reputed god, not only of the *Ammonites*, but of  
 the *Moabites* also. Hee had his name from *מלך*  
*Malat*,

\* *Lordum* in *AR. 7.* the  
 23 *Occurrence*.



*Moloch*, signifying to rule or reigne. The seventie  
Blades translate him, *אֱלֹהֵי מֶלֶךְ*, a Prince, or King.  
Such King Idols were *Adram-Melech*, and *Anam-  
Melech*, the gods of Shepharvaim, unto whom that  
people burnt their children in fire.

Take *Moloch* and *Baal* to bee one and the same  
Idol, they were both names of supremacy and rule;  
by *Baal* signifieth a Lord or Master. And by *Mel-  
lech*, a King or Prince. They had both the same man-  
ner of sacrifice, they burnt their sonnes for burnt  
offerings unto *Baal* likewise, *Ierem.* 19. yea they  
built the high places of *Baal*, which are in the val-  
ley of *Benhinnom*, to cause their sonnes and their  
daughters to passe thorow the fire unto *Moloch*, *Je-  
rem.* 32. 35. In which text the place of sacrifice is  
noted to be one and the same, common to both I-  
dols, and *Moloch* put in the end of the verse, to ex-  
plaine *Baal*, in the beginning thereof.

Some thinke them to be different, because the  
Planet *Jupiter* was worshipped under the name of  
*Baal*; but the Planet *Saturne* is probably thought to  
have been worshipped under the name of *Moloch*.  
If wee diligently observe Histories, wee shall find  
such a confusion of the Planets, that the *Sunne*, as it  
was sometimes called *Baal*, sometimes *Moloch*, so it  
was sometimes called *Jupiter*, sometimes *Saturne*,  
and concerning *Baal*, this is evidenti: Hence  
*Jupiter* was called by the Phenicians, *Baal-Samem*,  
which name is derived from the Hebrew, and signi-  
fies as much as, *Jupiter Olympius*, the Lord of Hea-  
ven. For *Baal* signifieth Lord; and *Samem*, hea-  
ven. And what is this Lord of Heaven in the theolo-  
gy of the Heathens, other than the *Sun*, who may

Plato apud Ma-  
crob. Sat. r. lib. 1.  
cap. 23. ubi men-  
tionatur de Li-  
mao Platonis, quod  
est in Pbedro.  
Assyrios Satur-  
num (quem et So-  
lem dicunt) Ima-  
nemque coluisse  
Aneid. 1.

August. super Ju-  
dic. 4. 1. 1. 1. 1. 1.  
Iusebium de pre-  
par. lib. 1. cap. 7.

Plato apud Ma-  
crob. Sat. r. lib. 1.  
cap. 23. ubi men-  
tionatur de Li-  
mao Platonis, quod  
est in Pbedro.  
Assyrios Satur-  
num (quem et So-  
lem dicunt) Ima-  
nemque coluisse  
Aneid. 1.

as well be styled the King of Heaven, as the Queen the Queen. Yea, Sauchonacho, an Egyptian in the forequoted place relates him, taketh all these three for one, namely the Sun, Jupiter, and Baal Saman.

Concerning Saturne, it is apparant that the Sun was worshipped under his name. But I find some Expositors to interpret Molech to be Mercury, others Mars: these are but few, and the grounds weak. It is therefore more generally and more probably thought that hee was Saturne, because as to Molech, so to Saturne, the Heathen people did sacrifice their Sons and Daughters. Secondly, Saturnes Image differed not much from Molechs. Of Saturne thus we read: <sup>1</sup> It was made of brass, wonderfull for its great weight, whose handle reaching towards the earth, were so hollow (ready to cleave) that they yauke which were compelled to come unto him, did fall as it were into a mighty ditch full of fire. You shall read in a manner the same description of Molech. Isidorus commending on Jeremy, writeth thus; <sup>1</sup> Though all other houses of Idolatrie were in Ierusalem, yet Molech was without Ierusalem, in a place apart. How was hee made? He was an image of brass; He had seven chappele, and he was placed before them, having the face of a bullock, and hands spread abroad, like a man that openeth his hands to receive somewhat from some other: and they sit in on fire within; for it was hollow: and every man severally entered, according to his offering. After what manner? who soeuer offered a fowle, went into the first chappell; hee that offered a sheepe, into the second; a lamb, into the third; a calf, into the fourth; a bullock, into the fifth; an Ox, into the sixth; and who soeuer offered his son, into the seventh. Thus Molech and

Saturne

מֹלֶכֶת, Molech  
dici volunt quasi  
מֹלֶכֶת Molech.  
(i.) Angelus, Nun-  
cius Proinde inter-  
pretatur Molech  
Mercurium Deo-  
rum nuncium.  
R. Levi. Levit.  
18. 21.

Macrob. Saturni  
lib. 1. cap. 7.

Euseb. de pra-  
epar. lib. 4. cap. 7.

Isidorus. Ierem. 7.  
Isidorus. Ierem. 7.

Isidorus. Ierem. 7.  
Isidorus. Ierem. 7.

Isidorus. Ierem. 7.  
Isidorus. Ierem. 7.

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Isidorus. Ierem. 7.  
Isidorus. Ierem. 7.

Isidorus. Ierem. 7.  
Isidorus. Ierem. 7.

Isidorus. Ierem. 7.  
Isidorus. Ierem. 7.

Isidorus. Ierem. 7.  
Isidorus. Ierem. 7.

*Saturne agree: First, in their sacrifice: Secondly, in the forme of their Images. Now these seven chapels built for Moloch, may well resemble those seven gates with which the Persian honoured the Sun; and as the seven gates did, so might the seven chapels mystically expresse the seven Planets, whereof the Sun was Moloch, (i.) the King and Prince. When they sacrificed their sonnes unto this Idoll, they did beat upon tabrets and drummes, that the crie of the childe might not be heard by the father. Thereupon was the place called *תופת* *Tophet*, from *תוף* *Toph*, signifying a drumme, as likewise from the crie of the children it was called *גהנוא* *Gehenna*, *נח* signifying a valley, and *נח* roaring or crying. Some may make the question, whether that the phrase, *The fire of Gehenna*, *Matth. 5. 22.* had its originall from this fire, wherewith the children were burnt unto *Moloch*? I answer, that in this phrase there was not respect onely unto this fire; though by the bitter cries and ejulations of poore infants, the restlessse torments to hell might be shadowed, yet the perpetuitie and everlastingnesse of hellish paines, I take to be signified herein, by allusion unto that other fire kept continually burning for the consuming of dead carcasses, and the filth brought out of *Ierusalem*. For *Gehenna* was reputed a contemptible place without the Citie, in the which they burnt, by meanes of a fire continually preserved there, the carcasses, filth, and garbidge of the Citie. The *Kabbalists* treating of *Gehenna* in this metaphoricall sense, as it is applied to the paines of hell, do distinguish of it, saying; That there is *Gehenna superior*, and *inferior*:*

<sup>1</sup> Orig. contra Cel.  
sum. lib. 6. fol. 74.  
col. 4. R. Gyrard. in  
Deorum Sytagm.  
7. pag. 223.

<sup>1</sup> D. Kimchi, Psal.  
27. 13.

= Caprio de Ka-  
bala. p. 644.

Y

By

By the first they understand *bodily torments inflicted upon the bodies of sinners in this world*: By the second they understand the *paines of the soule in the world to come*. They say likewise, that there are *Septem Gehenna mansiones*, Seven degrees or mansion places in Gehenna. 1. *Infernus*. 2. *Perditio*. 3. *Profundum*. 4. *Taciturnitas*. 5. *Vmbra mortis*. 6. *Terra inferior*. 7. *Terra stiens*. Of these seven receptacles, hee that will mispend his time may read according to the quotation.

• P. Galatinus lib.  
12. cap. 6.

It is much controverted among Expositors, whether the children in this sacrifice were *burnt in the fire*, or only *initiated and consecrated to Moloch*, passing in the midst of two fires in sign of their consecration? It is probable, that both were in use: First, the Scripture speaketh of both. Secondly, the Hebrew Doctors shew the manner of both. That they were

• Aben Ezra. Lev.  
18. 21.

*Burnt*, *Talkut* expressly teacheth, and with him others accord, saying, That *Moloch* is the name of an image, and the wise men of blessed memorie interpret *Moloch* to bee an universall name, denoting any whom they have made to rule over them; and it is agreed upon, that this is the abomination of the sons of Ammon, and this phrase to cause to passe thorough, is as much as to burne. Others say, This Idols name was *Moloch*, and this was his worship: That he, (namely the father) delivered his sonne unto the Priests, and they made two great fires; and they made his sonne passe on his feet betwene both these fires.

• Rabbi Solomon  
Levit. 18. 21.

Notwithstanding, we must not think that there were no other oblations unto *Moloch* besides sacrificing of children: For what use then served those other six Chappels? No, I take this oblation of children



dren, not to have been forced on them by any superstitious law, or tradition, binding them therunto; but to have been reputed a work more meritorious, because it was meerly voluntary. This I note, because otherwise there were an apparant difference betweene *Baal* and *Molech*. For the *Baalites* offered unto their fancied Deity a bullocke in that contention between them and *Eliab*, 1 *King*. 18. Bullocks, and Calves, and Lambs, were their ordinary sacrifices, the sacrificing of their children, extraordinary. Yet their ordinary sacrifices, were not alwaies altogether void of mans blood, but somtimes the *Priests* would lance and cut their owne flesh: which custome, whence it had its originall, I find not: only we find the like to have been practised by the *Heathenish Priests* In their sacrifices to *Bellona*:

¶ *Tertulian* toucheth it; but ¶ *Lactanzius* treating of *Bellona* and her *Priests*, speaketh more cleerly, saying, they sacrificed not with any other mans blood, but with their owne, their shoulders being lanced, and with both hands brandishing naked swords, they ran and leaped up and downe like mad men. Who would not take these *Bellonites* to bee the very *Baalites* spoken of, 1 *King*. 18. They leapt upon the Altar which was made ——— and cut themselves as their manner was with knives and lancers, till the blood gushed out upon them.

That the opinion of pleasing God by sacrificing their children sprang from *Abrahams* offering of *Isaak*, seemeth very probable, and is intimated by *R. Salomon*, who bringeth in God speaking concerning *Molech* after this manner: I never commanded that they should offer up their sons for an oblation, and I never spake it unto any of my Prophets, and when I

¶ *Tertul. Apolog.*  
cap. 9.

¶ *Lactanzius* p. 40.

¶ *Solomon* 1a  
1er. 7. 31.



\* Euseb. prepar.  
Evangel. lib. 7. p.  
17.

spake to Abraham to sacrifice his sonne, it entred not in to my heart that hee should sacrifice him, but to make knowne his righteousness. Yea, \* Porphyry treating of Saturne, (who seemeth to have been this very Moloch) saith that the Phœnicians called him *Israel*, and that hee had by Anobreth one onely son called *Iend* in the Phœnician language (no doubt from the Hebrew *Iech d*, signifying an onely begotten, and applied to *Isaacke*, Gen. 22. 2.) which hee offered upon an alter purposely prepared. Who seeth not the historie of *Abraham* and *Sarah* under the names of *Israel* and *Anobreth* ? and the immolation of *Isaak*, under the name of *Iend* ? and the originall of this Son-sacrificing divinitie, to have been the unwarrantable imitation of *Abraham* ?

But what ! was the Sunne worshipped idolatrously, no otherwise ? Yes, except I am deceived, we finde another manner of worship described by *Amos*, chap. 5. 26. But yee have borne the Tabernacle of your Moloch, and Chiun your images the starre of your God which ye made to your selves. This translation I preferre before others. First, because the

\* **מִשְׁכַּן מֹלֶךְ**  
מִלְכִּים  
" Kai arela  
τινὸν οὐκὼν τοῦ  
Μολῶχ, ἡ τὴν αἰ-  
γρον τοῦ Οὐνοῦ ὃ  
ὑψὲς ἔσται, καὶ  
τοῦτο ἐς ἐπιή-  
στην ἐσται.

\* Hebrew word signifieth a Tabernacle. Secondly, it is rendred the tabernacle of Moloch, not *Siccuth* your King, \* by the *seventie*. Thirdly, it is so repeated by *Saint Stephen*, *Acts* 7. 43. Yee took up the Tabernacle of Moloch, and the starre of your God *Remphan*, figures which yee made to worship them.

Three things are to be inquired for the understanding of this parallel. First, what the bearing or taking up of this Tabernacle is. Secondly, what Idoll was pointed out by these names of *Chiun* and *Remphan*.

phan. Thirdly, what is meant by the *Star of this God*.

The taking up of this *Tabernacle* denoteth their worship which they exhibited unto their *Idoll*, by carrying him up and downe in *Tabernacles* and *Pageants*, after a solemn manner of procession; by the *Romans*, this solemnity was termed *Pompa*; and the tent or *pageant* in which the *Idol* was carried, *Thensa*, according to that, *Thensa deorum vehiculum*. This kind of *Idolatry* may seem to have had its originall among the *Heathens* from an unwarrantable imitation of *Moses his Tabernacle*, which was nothing else but a *Portable Temple*, to be carried from place to place as need required. For it cannot be denied, but that many superstitions were derived unto the *Heathens* from the true worship of *God*, which he himself had prescribed unto his people. Thus as *God* had his *Tabernacle*, *Priests*, *Altars*, and *Sacrifices*, so the devil had his *Tabernacles*, *Priests*, *Altars*, and *Sacrifices*. As *God* had his fire ever burning upon the *Altar*, *Lev. 6. 3.* So had the devil his fire preserved burning by these *Vestall Virgins*. As *God* had his propitiatory or *Mercy seat*, So had the devil his *Satyr tripod*, his *Oracles* from which he would speak unto them that served him. This solemn procession was performed by the *Romans*, in the honour of the \* *Sun*: It was performed by the *Israelites* in honour of their *Moloch* who formerly was interpreted the *Sun*. To adde unto the pompe and state of this solemnitie both the *Romans* and the *Israelites* caused great horses and chariots to be led up and downe. Horses were consecrated to the *Sunne* by the *Romans*, and their *Circus* place was sometimes called *in honorem*, and *insepium*. An *Horsrace*. And that chariots were

\* *Sol* *va* *ca* *ra*  
*or* *ca* *ra* *ra* *ra*  
*pr.* *Joseph. Antiq.*  
*lib. 3. cap. 5.*

\* *Sol* *honor* *ra* *ra*  
*ra* *ra* *ra* *ra*  
*Cur. Antiquit.*  
*ex. patres. Cori.*  
*Afric. lib. 1. cap.*  
*17. vid. D. m. f. ca.*

\* *in* *hon* *or* *em*  
*lib. 3. cap. 5.*



was the god of the *Tyrins*, from whom the *Jewes* learned much *Idolatrie*, as being their neare neighbours : Yea it is apparant that in the time of the *Maccabees* the name was commonly knowne unto them : for *Iason* the High Priest sent three hundred drachmes of silver to the sacrifice of *Hercules*; 2 *Macchab*, 4. 19.

Thirdly, it followeth that wee should inquire what this *starre of Remphan* was; It is probably thought that it was a certaine *starre painted in the fore-head of Moloch*: Neither was it unuſuall for the *Heathen* people to paint their *Idols* with ſuch *Symbolica additamenta*. <sup>d</sup> *Iulius Caesar* his Image had a *Star* depicted on the crowne of his head.

<sup>c</sup> *Occumenius, Act. 7. 43.*

<sup>d</sup> *Sueton in Jul. 6. 88. It. Pim. hist. 1. 2. cap. 25. Horat. lib. 1. Od. 12.*

The *Sunne* was also worshipped by the house of *Juda*, under the name *Tamuz*; for *Tamuz*, ſaith *Hierome*, was *Adonis*, and *Adonis* is generally interpreted the *Sun*, from the *Hebrew* *Adon*, ſignifying *Dominus*, the ſame as *Baal*, or *Moloch* formerly did, namely, the Lord or Prince of the Planets. The moneth which we call *Iune*, was by the *Hebrews* called *Tamuz*; and the entrance of the *Sunne* into the ſigne *Cancer*, was, in the *Jewes* *Aſtronomy*, termed *Tekupha Tamuz*, the revolution of *Tamuz*. Concerning *Adonis*, whom ſometimes ancient Authours call *Oſiris*, there are two things remarkable, *ἀγανισμός*, the death or loſſe of *Adonis*: and *ἵκναι*, the finding of him againe. As there was great lamentation at his loſſe, eſpecially amongst the women: ſo was there great joy at his finding. By the death or loſſe of *Adonis*, we are to underſtand the departure of the *Sun*; by his finding againe, wee are to underſtand his return. Now he ſeemeth to depart twice in the year:

*Nunquamque ſatis quaſitus Oſiris. Semper enim perit dum ſemper & iterum. Lucan. Plutarch. in Ap. cibade.*

Fiſt,



First, when he is in the *Tropick of Cancer*, in the farthest degree north ward. Secondly, when he is in the *Tropick of Capricorn*, in the farthest degree south ward answerable unto these two departures which may be termed *separations, disappearitions, or losses of the Sunne*, there are two returns immediatly succeeding, which may be termed likewise *appearitions, the findings or new appearings of the Sun*. Hence we may note, that though the *Egyptians* celebrated their *Adonia* in the moneth of *November*, when the *Sun* began to bee farthest *Southward*; and the house of *Juda* theirs, in the moneth of *June*, when the *Sunne* was farthest *Northward*; yet both were for the same reasons, and in substance they agreed. And of this the *Prophet Ezekiel* is thought to have spoken, *Ezek. 8. 14. There sate women weeping for Tamuz.*

These solemnities were chiefly observed, betweene the *Byblienses* and the *Alexandrini*, the manner was thus: When the *Byblienses* solemnized the death or losse of *Adonis*, at that time the *Alexandrini* wrote a letter, this letter was inclosed in an *Ark of bul-rushes*, therein they signified that *Adonis*, whom they lamented, was found againe: this *Ark* being after the performance of certain rites and ceremonies committed to the *Sea*, forthwith it was carried by the stream to *Byblus*, upon the receipt whereof, the lamentation of the women was turned into joy. Others say that this lamentation was performed over an Image in the night season, and when they had sufficiently lamented, a candle was brought into the room (which ceremony might mystically signifie the return of the *Sun*) then the *Priest* with a soft voyce muttered this forme of words:

! *Trust*

*Procopius in Isai-  
am ad c. 18. It. Cy-  
rillus l. 2. Tom. 2. in  
Isaiam.*

*Julianus Maronius  
Pirmicus. De erro-  
re profan. Religion.*





times from the different benefits which he was supposed to bestow on men, as *Jupiter Pluvius*, because he gave *rain*; *Jupiter Lucetius*, because hee gave *light*; *Jupiter altitonans*, from *thundring*: So *Baal* had his distinctive titles, and different rites of worship, sometimes occasioned by the place, as *Baal-Peor*; *Numb.* 25. 3. sometimes from the benefit obtained, as *Baal-Tsephon*, *Exod.* 14. 1. and *Baal-Zebab*, *2 King.* 1. 2. sometimes for some other reason, as *Baal-Berith*, *Judg.* 8. 33.

*Baal-Peor*, is thought to be that *Priapus*, that obscene *Idoll*, so famous in prophane Authors. He was called *Peor*, from the hill *Peor*, mentioned, *Numb.* 23. 28. as likewise his Temple wherein he was worshipped, standing upon the same hill, was called *Beth-Peor*, *Deut.* 3. 29. Hee was worshipped by the *Moabites* and *Midianites*: the *Idoll Chemosh*, *Ier.* 48. 7. is thought to be the same, and I take it to be applied to *Baal-Peor*, by way of contempt, as if one should say, their *blind god*, according to that in the *Psalme*, *They have eyes, and see not*. For the first letter *Caph*, signifieth *quasi*; and *מאשך* *Masch*, *palpare*; to *groape* or *feele about in manner of blind men*.

*Baal-Tsephon* is thought by the *Hebrewes*, to have been an *Idoll made by the Egyptian Magicians*, and placed in the wilderness, to observe and stop the *Israelites* in their departure from *Egypt*, whence it was termed *Tsephon*, from *תצפה* *Tsapba*, signifying to *watch*, and observe in manner of a *watchman*: we may call him *Baal speculator*, as among the *Romans*, because *Jupiter* staid the *Romans* when they were flying, he was called *Jupiter stator*.

*Baal-*

<sup>a</sup> Hieronym. ad  
Hos. c. 9. Idem pro-  
dicit Isidor. Orig.  
lib. 8.

<sup>b</sup> Hieronym. in  
Isai. l. 5, c. 15.

<sup>c</sup> Philo. Iud. lib. 2.  
Allegoriar. p. 79.

<sup>d</sup> P. Fag. Exod.  
14. 1.

<sup>e</sup> Rosin. lib. 2. an-  
tig. Rom. cap. 5.

Baal-zebub, foundeth as much as the Lord of the flies, or a Master flye, which hath power and authority over the rest, in which respect the Prince of the Devils in the Gospel is termed Beel-zebub, זבוב Zebub signifieth a flye. This Idoll was worshipped by the Cyrenians, but principally by the Ekronites, because whensoever they sacrificed unto him, the swarmes of flies, which at that time molested the countrey, died. But it is certaine, that this was not the alone reason, for they were wont to repaire to him, as to an Oracle, 2 King. 1. 2. wee may call him *Iupiter muscarius*, or *Hercules muscarius*, for the inhabitants of the Citie *Elis*, sacrificed to *Iupiter* under the name *αμυγιος*, (i.) A driver away of flies; and the Romans to *Hercules*, under the same name. Some Greeke copies in the Gospel read *Βεελζεβυ*, *Beelzebub*, which change is interpreted to bee, for to shew the greater contempt of the Idoll, as if they should say, *Iupiter stercoreus*, זבוב Zebub signifyeth *stercus*, and *Beel* or *Baal* signifieth *Dominus*.

*Baal-Berith* was the Idoll of the *Skechemites*, of his Temple we read, *Iudg. 9. 4.* ברית Berith signifieth a covenant, so that *Baal-Berith* may bee translated *Iupiter federatus*, (i.) The God unto whom they bound themselves by covenant. Concerning *Bel* and the Dragon, little is spoken, besides what we read in that of the *Apocrapha*, where the historie is described.

† Ζωόντων μύριαν  
Θέον Αναγών.  
Gregor. Nazianz.  
orat. 2. contr. Iulian.  
p. 102.  
Plin. l. 10. c. 28.

† Clement Alex.  
andr. in protreptic.

† Esauus Capote  
to Esauus Capote  
xlv. to Esauus  
Capote  
Septuaginta in  
terpr. Iud. 33.

CHAP.

## CHAP. IV.

## Of Dagon.

R. Dav. 1 Sam. 5.

**T**He <sup>a</sup> Hebrew Doctors say, that this Idoll Dagon was made from the navill downward in forme of a fish, but from the navill upward, in forme of a man. This they collect from the 1 Sam. 5. 4. The two palmes of his hands were cut off upon the threshold. And furthermore they say, the Idoll Dagon had his name from the Hebrew דָּגֵן *Dag*, signifying in the holy language, a fish, according to which description wee may English him the *Philistims Neptune*.

<sup>a</sup> Triton non abs-  
mitem habuisse fi-  
guram fingitur.  
Frons hominem  
presert, in pristim  
definit alius. Pier.  
Hierogl. lib. 3. 1.  
pag. 218.

<sup>b</sup> Philo Byblinus a-  
pud Euseb. de pre-  
par. lib. 1. cap. 7.

<sup>c</sup> Pier. Hieroglyph.  
lib. 3. p. 228. Idem  
lib. 76.

<sup>d</sup> R. Levi, 1 Sam. 5.

Others derive the name from דָּגָן *Dagan*, signifying corne, and they <sup>b</sup> say, that he first invented the use of the plough, and corne, whence they translate him *Iupiter aratrius*. In this respect we may call him the *Philistims Saturne*, because antiquitie makes <sup>c</sup> Saturne the first inventor of husbandrie, and therefore paints him with an booke or fish in his hand, as being the fittest Hieroglyphick for husbandrie. Both opinions have their Authors, and no sufficient prooffe hath been produced to overthrow either. <sup>d</sup> Yea there are not wanting among the Jewes themselves, that say this Image of Dagon was made in the forme of a man. Notwithstanding Scaliger his conjecture is not improbable, that those who interpret Dagon, *Iupiter aratrius*, or אֲגֹרִים, might mistake and read שָׁדַי *Shadai* signifying Ager, A field, for שְׁדַּדַּי *Schaddai* being the very name of God, signifying Omnipotens, Almighty.

## CHAP. V.

## Of the molten Calfe.

**T**HE Historie of the *molten Calfe* is at large set downe, *Exodus 32.* where wee read, that by reason of *Moses* his long absence, the people desired of *Aaron*, *Gods* to bee made, whereupon *Aaron* made for them the *molten Calfe*. The reason why they worshipped *God* rather in the similitude of a *Calfe*, than of any other creature, is generally by Expositors conceived to be from the corruptions learned among the *Egyptians*, who worshipped their Idoll <sup>a</sup> *Apis*, otherwise called <sup>b</sup> *Serapis*, in a living *Oxe*, and likewise in an Image made in the forme and similitude of an *Oxe*, with a bushell on his head. This *Oxe* was remarkable for certaine notes and marks, whereby it was differenced from all others. It was *blacke bodied*, it had a *white forehead*, a *white spot behinde*, and a *knot* under his tongue; for the more curious fashioning and polishing of these marks in the molten Calfe, *Aaron* may seeme to have made use of his <sup>c</sup> *graving tooke*. <sup>d</sup> The *Egyptians* repaired unto this *Oxe* for the resolution of matters doubtfull, as to an *Oracle*, and the manner of consulting with him was thus. The partie that repaired unto him tendered a bottle of hay or grasse, which if he received, then it betokened a good and happy event; if otherwise he refused it, then it did portend some evil to come. *Thus they turned their glorie into an Oxe*

<sup>a</sup> *Plin. Nat. Hist. l. 8. s. 46. Herodot. l. 2. Solin. c. 35. and aliorum distinctione.*  
<sup>b</sup> *Alex. Genial. dior. lib. 6. cap. 2.*

<sup>c</sup> *כְּרֵסִית*  
*sculptorio.*  
<sup>d</sup> *Plin. Hist. lib. 8. c. 46. It. Alex. Genial. dior. l. 6. c. 2.*



ש

Plut. facies  
78

Exposit. de bono  
gatione. p. 318. vid.  
etiam August. p.  
73. de Tertullian.  
adv. Iud. cap. 1.

Salomon in Zeph.  
Ruffinus lib. 2. hist.  
Euseb. cap. 23. Fi-  
er. Hierogl. lib. 3. p.  
25.

Exposit. de bono  
gatione. p. 318. vid.  
etiam August. p.  
73. de Tertullian.  
adv. Iud. cap. 1.

that eateth grasse, Psal. 106. 20. The Hebrew word in the *Psalm*, translated an *Oxe*, is, *Shor*, which I note, because in my opinion, it giveth light to one of the names by which this *Idoll* was denoted. Sometimes it was called *Apis*, from the Hebrew word *Ap*, signifying a face: sometimes *Serapis*, quasi *Serapis*, which is nothing else but *Bovis caput*, an *Oxe head*; the very name used by the *Fathers*, to expresse this *Idolatrie*. It is commonly knowne, that this *Idolatrie* was derived to *Israel* from the *Egyptians*, but whence the *Egyptians* first learned it, few have taught. They doe not conjecture amisse, who interpret the first institution hereof to have beene in the memory of *Ioseph*, who by his providence relieved both *Egypt*, and other neighbour countreies in the seven yeares of famine. Beside the testimonie of no slight *Authors*, there are strong inducements to perswade it. First, both the yeares of plenty and famine were forefighned by the apparition of *Oxen*. Secondly, what fitter emblem, (if it had not after ward proved an *Idoll*) to continue the remembrance of a *Ioseph*, (by whose alone care and industrie) come and victuall was provided in an extreme famine, than an *Oxe*, the true and lively hieroglyphicke of an industrious husbandman. Thirdly, in this *Suidas* agreeth with others, that this *Oxe* was pourtrayed with a bushell on his head, though others doe more clearly expresse the reason of this portraiture, namely, because of the great quantitie of corn measured out by *Ioseph* in that extreme dearth. Concerning the sinne of the *Israelites* in making this *Calf* or *Oxe*, the moderne *Jewes* doe transerre the fault upon certaine



of gold, the one in Bethel, the other in Dan; saying unto the people, It is too much for you to go up to Ierusalem, 1 King. 12. 28.

## CHAP. VI.

Of Astaroth, Ammonia, Iuno, the Queene of Heaven, Diana of the Ephesians.

**A**S the Sunne was worshipped under many names: So likewise the Moone. Astaroth was the *Idoll* chiefly of the Zidonians, 1 Kin. 11. 5. 2 King. 23. 13. Shee had her Temple called the house of Astaroth, in which the Philistims hanged up Sauls<sup>a</sup> armour after his death, 1 Sam. 31. 10. That the Moone was worshipped under this name needs not<sup>b</sup> prooffe: onely<sup>c</sup> some say that Astarte was Iuno: and why may we not say that Iuno is often used to expresse the Moone? <sup>d</sup> Both the Moone and Iuno are often called by the name of *Krania*. And as the Moone in respect of her light is called *Vrania*: so in regard of the lesser lights in the heavens, shee is called *Astroarch*, that is, the<sup>e</sup> *Queene of the Planets*; or as Horace speaketh of the Moone; *Siderum regina*, The *Queene of the starres*; or lastly, as Virgil speaketh of Iuno; *Divum incedo regina*, The *Queene of the gods*. It seemeth very probable, that this is that *Queene of Heaven*, of which the Prophet speaketh, *Ier. 7. 18. Ier. 44. 17*. Againe, unto

<sup>a</sup> Horum Anathematum venerationem primo didicerunt ab Israelitis Num. 7. & Sam. 21.

<sup>b</sup> Astarte dicitur sonus vultusque suavis. Astartem lunam esse opinor. Lucian. de dea Syria.

<sup>c</sup> August. super Iudic. quest. 16.

<sup>d</sup> Astarte Vrania idem omnino valet apud Phonicas, quod Iuno Lucina apud Latinos. Deducitur Vrania ab Hebraeo נר

Nun in fine adjecto aut per se solū, aut cum Iod, quod passim fit & Syris, quasi נר נר vel נר נר in fami-

nino vero נר נר (i.) Lucidus & Lucida, aut Lucinus & Lucina. Et hinc Graeci suum nomen mutuati sunt.

<sup>e</sup> Agrippa dicitur, non tūc tūc dicitur deus, ab imperio quod in astra exercet, vid. Herodian. lib. 5.

whom

whom may we imagine those ancient Heathens to have performed that solemn worship, which they did on the *calends*, or first day of every moneth? was it not to the *Moone*? And yet notwithstanding it is ascribed to *Iuno*, <sup>f</sup> whence shee is called *Iuno* *Calendaris*. Lastly, as *Iupiter* & *Ammon* was no other than the *Sunne*, and worshipped in forme of a *Ramme*: so for ought I see, the *Moone* might bee called *Iuno* <sup>h</sup> *Ammonia* and worshipped in the forme of a *sheepe*. Sure I am, that the *Hebrew Doctors* describe the images of <sup>i</sup> *Astaroth*, to have beene made in the forme of *sheepe*, and the word *Astaroth*, in the originall signifieth a *flocke of sheepe*, and the *Moone* might as well be called *Ammonia*, as the *Sun Ammon*, both being so called from their *heat*, which in the holy tongue is called <sup>b</sup> *Hammah*, and from thence likewise those Images (of which we read *Levit. 26.30. Isay 17.8. Isay 27.9.*) are called <sup>1</sup> *Hammanim*, because they were certaine *Idols* placed upon the house top, and so alwaies exposed to the *Sunne*. Furthermore, as *Iupiter* & *Ammon* was painted with *horne*s, so likewise was the *Moone*: why they should bee thus painted, many reasons might bee produced, but chiefly three; the first peculiar to the *Sunne*, the other common both to *Sunne*, and *Moone*. first, the *Sunne* was painted with *Rams horn*s, because with the Astronomers the signe *Aries* in the *Zodiacke* is the beginning of the year. Secondly, because as the strength of *horned beasts* consist in their *hornes*: so the vertue and influence of the *Sunne* and *Moone*, is derived into sublunarie creatures by their *beames*. Thirdly, because the light of the *Sunne* and *Moone*, makes the reflection

<sup>f</sup> *Macrob. Sat. lib. 1. c. 15.*

<sup>h</sup> *Macrob. Sat. lib. 1. c. 21.*

<sup>i</sup> *Cel. Rhodig. l. 18. c. 38.*

<sup>b</sup> *D. Kimbi. 1 Sam. 31. 10. 11. Iud. 2. 13.*

<sup>1</sup> *המה calor. Sol.*

<sup>1</sup> *R. Solomon in Levit. 26. 30.*

<sup>m</sup> *stat. corniger illis. Iupiter. Lucan. l. 9.*

<sup>vers. 514.</sup> *Syderum regina bicornis.*

<sup>audi.</sup> *Luna puellas. Horat. car. secular.*

<sup>o</sup> *Pier. biograph. l. 10.*

*cornute* or *horne-like*. When *Moses* came downe from *God*, *Aron* and the people saw that his face shined, *Exod.* 34. the *Latine* reads it, *Facies ejus erat cornuta*: and hence it is that *Moses* is painted with *horne*s, which some of the *Rabbines* have interpreted *horne*s of *magnificence*: The error grew from the doubtfull signification of the *Hebrew* word signifying *splendor* or *brightnesse*, and also *horne*s.

9. The *Moone* was also worshipped under the name of *Diana*, who although shee were worshipped thorowout all *Asia*, yet she was had in principall esteeme among the *Ephesians*, whence arose that cry, *Great is Diana of the Ephesians*, *Acts* 19. 28. Her greatnes among the *Ephesians* appeareth partly by her *Temple*, which in one place *Plinie* saith was two hundred and twentie yeares building, but elsewhere hee saith foure hundred yeares: partly from the great gaine procured unto the silver Smiths in making & selling silver *Temples of Diana*, *Acts* 19. 24. It is much disputed what those silver *Temples* were; some think them to be little houses, or shrines (such as were for their smalnesse portable) in forme representing the *Temple of Diana*, and within having the image of *Diana* inclosed, and in this sense *templum* is sometimes used, to signifie closets or shrines wherein images were kept: others think certaine coines or peeces of money, to be called by the name of *Dianaes Temple*, from the similitude of *Dianaes Temple*, engraven or stamped upon those coines: as in *England* wee call some peeces of gold the *George*, others the *Angell*, others the *Thistle*, from the impression which they beare. The like custome of naming coines from their Sculpture or impression

קֶרַן מְגִלָּה  
cornua magni-  
ficentia. R. Solom.  
porro Hebraicum  
קֶרַן (unde Kēpas  
et cornu emana-  
runt) significat in  
morem cornuum  
splendorem ra dios-  
que emittere.

1. Macrob. Satyr-  
nal lib. 1. c. 15.

1. Plin. lib. 36. 14.

1. Plin. lib. 16. 49.



impression was not unuſual among the ancients, neither were ſuch coines unuſual on which the Temple of Diana was ingraven, and theſe capitall letters added, *DIANEPHE*. Theodorus Beza, in his major anotations upon the *Aſts*, reporteth that hee hath ſeene two of theſe himſelfe.

We read of another kind of idolatrous worſhip towards the *Moone*, to have been<sup>u</sup> that men ſacrificed to her in womens apparell, and women in mens apparell, becauſe they thought the *Moone* to bee both male and female, whence the *Moone* is called by old Authors as well *Lunus* as *Luna*: And *Venus*, whom *Philocorus* affirms to bee the *Moone*, iſtermed *Dea Venus*, as well as *Dea Venus*. \* Some have thought that God had reſpect unto this kinde of *Idolatry*, *Deut.* 22. 5. where men are forbidden to weare womens apparell, & *è contrà*, but it is more generally and upon better grounds thought that the promiſcuous uſe of apparell (whereby the diſtinction of ſex is taken away) is there forbidden.

<sup>u</sup> Simili præſu-  
ratione Athenien-  
ſes nummos quoſ-  
dam, boves: eorum-  
dem Athenienſium  
aſios quoſdam  
Κβας, (i) πνελ-  
ας: alios Corinthiorum  
πάλους, pullos:  
alios Peloponneſi-  
um, ζελώνας,  
teſtudines: alios  
Romanorum naueſ  
vocabant.  
<sup>u</sup> Macrobi. Saturn-  
nal. lib. 3. cap. 8.  
Non abſimilem  
idolatriam in  
cultu Veneris pro-  
didit Iulius Firmi-  
cus de errore pro-  
fanæ religion. cap. 4.  
<sup>x</sup> Maimonid. in  
more Nebuchim.  
part. 3. cap. 38.

## CHAP. VII.

### Of other Gods mentioned in Scripture.

**T**HE *Sunne* and *Moone*, which are the greater lights in the Heaven, I take to have beene the chiefeſt Idols worſhipped by the *Heathen* people. Notwithſtanding, their blind devotion deiſed alſo the other *Planets*, and that numberleſſe number of *leſſer lights*, called in Scripture *Militia cæli*, *The hoſt of heaven*, whoſe ſe-

verall natures properties and influences, are not distinctly knowne. In like manner there is an *host* of *Idols* mentioned in holy writ, of whom little or nothing is spoken to the purpose by Authors, more than their very names. Of this nature are those *chambers of imagery*, wherein all formes of creeping things were pourtrayed on the wals, *Ezek. 8*. It may be termed their *Pantheon*.

In those colonies which the *King of Assur* transplanted into *Samaria*, every one worshipped the god of his owne nation. The men of *Babel* made *Succoth Benoth*, the men of *Cush* made *Nergal*, the men of *Hamath* made *Asima*, the *Avims* made *Nibhaz* and *Tartak*; the *Shepharvims* burnt their children in the fire to *Adram-melesh* and *Anam-melech* the gods of *Shepharvaim*, 2 *King. 17. 30, 31.* The *Hebrew Doctor* say that *Succoth Benoth* was the picture of an hen with her chicken: *Nergal* they interpret *Gallum Sylvestrem*; *Asima* a Goat; *Nib-haz* a dog; *Tartak* an *Asse*; *Adrammelech* a mule; *Anammelech* an horse; that such brut beasts should bee worshipped as gods may seeme ridiculous; but the like to have beene practised among the *Heathens*, profane Authors abundantly testifie. The cocke was worshipped as a God among the *Syrians*; a Goat by the *Mendesii*; a Dog by others: yea they have adopted into the number of their gods, Oxen, Lions, Eagles, wolves, Crocodiles, Cats, Rats, &c. Nay they have digged their gods out of their gardens, *Garlick*, *Leekes*, *Onions*, &c. To these may bee added *Nirrach* which was the god of the *Assyrians*, and as it seemeth had his Temple at *Ninive*, 2 *King. 19. ult.* and *Esay 37. ult.* Secondly, *Kimmon*, the word signi-

<sup>b</sup> Lucian. lib. 16.  
de Syr. Dea

<sup>c</sup> Herodotus in  
Euterp.

<sup>d</sup> Cic. de legib. lib. 1.  
vid. Tiraquel in  
Alex. ab Alex. lib.  
6. lt. Diodor. Sicul.  
lib. 1. 18.

<sup>e</sup> Alex. Neopoli.  
lib. 6. cap. 26.

<sup>f</sup> Porcum & cepe  
nefas violare &  
frangere morsu.  
O sanctas gentes  
quibus hæc nas-  
cuntur in hortis  
Numina Invenit  
satyr. 15.

signifieth a *Pomegranet*. Concerning this Idoll it is much controverted, whether *Naaman* sinned not in saying, *The Lord be mercifull unto thy servant, that when my Master goeth into the house of Rimmon, &c.* 2 *King.* 5. 18. Read the words in the *Prater tense*: When my Master went into the house of Rimmon, the sense appeares to be a pardon craved for sinnes past, not afterward to be committed. The same word בִּבְחָה *Bebho*, in going, is put to expresse the time past, in the titles of the *Psalmes* 52. and *Psalm.* 54. Thirdly, *Nebo*, otherwise called *Nabo*, an Idoll of the *Assyrians*, *Ierm.* 48. 1. He had his name from prophesie, נָבִי *Nabhi* signifying a *Prophet*, hee seemeth not much to differ from *Zds* *Exai*, or *Zds* *Exai*, *Diodor. Sicul. lib.* 5. 17. *Nerne*, so often mentioned in *Homer.* & *Diodorus Siculus* maketh them both one, and we may render *Nabo*, the *Assyrians Ammon*, or *Jupiter Vaticinus*, the god of their Oracles.

## CHAP. VIII.

The severall manners of divine Revelation.

**A**S *Idolatry* originally sprang from mistaking of Scripture: so *Witch-craft* and *Sorcerie* (which holdeth neer affinitie with *Idolatry*) seemeth to have had its first beginning from an imitation of Gods Oracles. God spake in divers manners, *Heber.* 1. 1. By *Dreames*, by *Visions*, by *Prophets*. 1 *Sam.* 28. 6, 7. when the Lord would by none of these answer *King Saul*, then hee sought to a *Witch*. To these might bee added Gods speaking from between the *Cherubims*, his answering by *Piscons*, *Angels*.

gels and voices: but the chiefe manners of revealing himselfe, observed by the Hebrew Writers, are foure, which they terme <sup>a</sup> *four degrees of Prophecie*, or *divine revelation*: somewhat therfore being spoken of these, I purpose to explain the severall sorts of unlawfull divinations mentioned in Scripture.

The first degree was *נְבוּאָה* *Nebuah*, Prophecie. This was, when God did by certaine visions and apparitions, reveale his will.

The second, was *רוּחַ הַקֹּדֶשׁ* *Ruach Hacodesch*, The inspiration of the Holy Ghost, whereby the partie was inabled without visions or apparitions, to prophesie: some shewing the difference betweene these two, <sup>b</sup> adde that the gift of prophecie did cast a man into a trance or extasie, all his senses being taken from him: but the inspiration of the Holy Ghost was without any such extasie, or abolition of the senses, as appeareth in *Iob*, *David*, *Daniel*. Both these degrees, as likewise *Vrim* and *Thummim*, ceased in the second Temple, whence their ancient Doctors say, <sup>c</sup> that after the latter Prophets *Haggai*, *Zachary*, and *Malachy* were dead, the Holy Ghost went up, or departed from *Israel*. Howbeit they had the use of a voice or *eccho* from Heaven. In which speech we are not to understand that the Holy Ghost wrought not at all upon the creatures, or that it wrought not then in the sanctification of men as in former times, but that this extraordinary inabling men to prophecy by the inspiration of the Holy Ghost then ceased; and in this sense, the Holy Ghost was said to have departed from *Israel*. Unto this comon received opinio, that passage might have reference, *Acts 19. We have not so much as heard whether there hath been an Holy Ghost or no.* That they

<sup>a</sup> P. Fagius in Exod. 28.

<sup>b</sup> D. Kimchi praefat. in Psal.

<sup>c</sup> Talmud. in Sanhedrin. cap. 1.

they did not doubt the distinction of persons, appeared cleare, if that bee true which <sup>d</sup> some have noted, that the ancient *Jewes* before *Christ* were so catechised in that point, that they observed the *mystery of the Trinity* in the name יהוה *Iehovah*, for though the name consisted of *four letters in number*, whence it was called *tetragrammaton*, *Quadriliterum*, yet there were but *three sorts of letters in the name*: *Yod* signified the *Father*, who was the beginning of all things: *Vau*, is a conjunction copulative, and denoted the *third person in Trinitie*, which proceedeth from the *Father* and the *Sonne*, *He* signified the *Sonne of God*. The *Rabbines* have a saying, that *God* made all things, *In littera He*. They may allude to this, that *hee* made all things, by his word: *he said*, Let there be thus, and thus, and it was so: but they may also allude to the *second person in Trinitie*. And furthermore they note that *He*, is doubled in this name, to demonstrate both *Natures of our blessed Saviour*.

The *third degree*, was *Vrim* and *Thummim*. *Vrim* signifieth light, and *Thummim* perfection. That they were two ornaments in the *High Priests brestplate*, is generally agreed upon: but what manner of ornaments, or how they gave answer, is hard to resolve. <sup>e</sup> Some think them to be the *four rows of stones in the brestplate*, the *splendor and brightnesse* of which foreshewed victory, and by the rule of contraries, we may gather, that the *darknesse of the stones* not shining prefigured evill. <sup>f</sup> Others say it was the name *Iehovah*, put in the doubling of the *brestplate*, for that was double, *Exod. 28. 16*. <sup>g</sup> Others declare the manner of consulting with *Vrim* and *Thummim* thus. *First*, they say that only the *King*, or else the

*Father*

<sup>d</sup> P. Fagius in  
Exod. 28.

<sup>e</sup> Ioseph. Antiq. lib.  
3. cap. 9.

<sup>f</sup> R. Solom. quem  
admodum refert D.  
Kimchi in radiis.  
<sup>g</sup> Talmud in Iona  
h cap. 6. vid P.  
Fagium in Exod.  
28.



\* *Abbeth din.*

\* *Father of the Consistorie* had power to consult, or to propose the matter unto the *Priest*, and the *Priest* onely had power to resolve. Secondly, that the matter proposed must not bee triviall, but of moment and great difficultie. Thirdly, that this holy writing, termed *Vrim* and *Thummim*, consisted of all the *Tribes names*, and likewise of the *Patriarkes*, *Abraham*, *Isaac*, and *Jacob*; so that no letter of the *Alphabet* was wanting. The question being proposed; Some say that the letters which gave the answer were בולטות (i.) *they did arise and eminently appeare above the others*. An example they take from the 2 *Sam.* 2. 1. When *David* asked the *Lord*, shall I goe up into any of the *Cities of Iudah*? The *Lord* answered, עלה *Gnaleh*, *Goe up*. Here, say they, ע appeared out of the name of שמעון *Schimeon*, ל out of the name of לוי *Levi*, ה out of the name of יהודה *Iehudah*. Others say, that the letters which represented the *Oracle* were בולטות (i.) that they did after a strange manner joine themselves into perfect syllables and intire words, and made the answer compleat. Many other opinions might be reckoned up, but he spoke best, who ingenuously confessed that hee knew not what *Vrim* and *Thummim* was.

\* *R. David in radie.*

The fourth degree was בת קול *Bath Kol*, *Filia vocis*, the *Daughter of a voice*, or an *Eccho*; by it, is meant a *voice from heaven*, declaring the will of *God*; it tooke place in the second *Temple*, when the three former degrees of prophetic ceased: it gave testimonie of our *Saviour*; *Loe a voice from heaven*, saying, *This is my beloved Sonne in whom I am well pleased*, *Matth.* 3. 17. It was in truth the *prologue*, *preface*, or *type* of that

that true voice of the Father, that evernall word which revealed his Fathers will unto mankind.

These were the extraordinarie meanes by which God revealed himselfe to his people of old: ordinarily, he revealed himselfe by his *written word*. Notwithstanding the Hebrewes say, that the Law, even from the first time of its deliverie unto *Moses*, was twofold: the one committed to *writing*, which they call *תורה שבכתב* *Thora Schebitab*, the *written Law*: the other delivered by *tradition*, *תורה בעל פה* *Thora begnal pe*, it was also termed their *Kabbala*, from *קבל* *Kibbel*, signifying *Accipere*, *To receive or learne*. They say both were delivered by God unto *Moses* in mount *Sinai*; but this latter was delivered from *Moses* to *Ioshua*, from *Ioshua* to the *Elders*, from the *Elders* to the *Prophets*, from the *Prophets* to those of the great *Synagogue*, and so successively to after-ages, till at last it was digested into one booke, containing principally precepts, and directions for those *Israelites*, which inhabited the *Holy Land*. It is called *Talmud Ierolimitanum*. It was composed in the yeare of our Lord 230. This because it containeth but a few constitutions, is but of little use. About 500. yeares after *Christ*, then was there a more full and exact collection of their constitutions, for direction of those *Jewes* which dwelt in *Babylon*, and other forraine places; this is termed *Talmud Babylonicum*, and is of greatest use among Authors, it containeth the body of their *Civill and Canon Law*. This traditionall Law, they hold to be as authentique, as their *written word*, and that *Moses* received it from God, when he received the Law, for, say they, were it not for this exposition, the *Decalogue* it selfe might

\* כפ

\* *Moses Rol-*  
*fens. in praef. u.*

have beene delivered \* *In hora veloci, Inlesse than*  
*an ho. re.*

Here wee must know that the word *Kabbala*, when it is applyed to the *Kabbalists*, to difference them from the *Talmudists*, is taken in a stricter sense, and signifieth these subtilties, or mysteries, which are observed from the different writing of some letters in the Scripture, from the transposing of them, from a mysticall kinde of *Arithmetike*, &c. This was never wholly committed to writing. Some instances we have, *Gen. 23. 2. Abraham came* *והוא בכה* *to weep for Sara.* Here because the letter *Caph* is lesse than the rest, they note that *Abraham wept but a little for Sara*, because he was old. Againe the letter *Aleph* is found six times in the first verse of *Genesis*; hence *R. Elia* collected, that the world should endure but *six thousand years*; because *Aleph* in the *Hebrewes computation* standeth for a thousand. From the transposition of letters they conclude a frent this manner; *Cherem* signifieth an *Anathema* or *Excommunication*; by a Metathesis or transposition of the letters, it is made *Rachem* signifying *mercie*; by another transposition it is made *Ramach*, which letters in the *Hebrewes computation* make 248, which in their *Anatomy*, they finde to be the just number of members in a mans body. Their conclusion hence is; that if an *excommunicated person* doe truly repent, then his *Cherem* is turned into *Rachem*, his curse turned into a blessing; if he doe not repent, then his *Cherem* turneth into *Ramach*, the curse curseth into all his members, to the utter destroying of the whole man. Again, *והיה* signifieth a *man*, *והיה* signifieth a *woman*. Hence they note, that in

" *Baal Turim.*

והיה

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the

the name of the man there is, *Ied*, which is not in the name of the woman; in the name of the woman there is, *He*, which is not in the name of the man: both these make *Leb*, one of the names of God: these being taken away, in both names there remain *wn Esch*, signifying *Fire*, to shew, that as long as man and wife agree, *God is with them*, but when they disagree, *fire is betweene them*: Thus wee see what vaine mysteries their *Rabbalists* observe.

to ... ..

... .. CHAP. XLIX. ... ..  
... .. Their Teraphim. ... ..

**C** Concerning the *Teraphim*, two things are especially to be enquired. First, what they were? Secondly, for what use? The word *Taraph* signifieth in generall the complete Image of a man. *Michal* tooke an Image, (a *Teraphim*) and laid it in the bed, *1 Sam. 19. 13*. More particularly, it signifieth an *Idoll* or Image made for mens private use in their owne houses, so that these Images seeme to have beene their *Penates* or *Lares*, their household Gods; wherefore hast thou stolen my Gods? my *Teraphim*? *Gen. 31. 30*. And this man *Micah* had an house of Gods, and made an *Ephod* and *Teraphim*, *Iud. 17. 5*. Because of the worship exhibited to these *Idols*, hence from the *Hebrew Taraph*, or as some read it, *Tharaph*, commeth the *Greeke* *Therapion*, To worship. The manner how these Image were made, is fondly conceited thus among the *Rabbies*; They killed a man that was a first borne sonne, and wrung off his head, and seasoned it with salt and spices, and wrote up

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LIB. 4. *Seuerall sorts of Divination forbidden.*

on a plate of gold, the name of an unclean spirit, and put it under the head upon a wall, and lighted candles before it, and worshipped it. With such Laban spake, say they. But without controversie, the Teraphim which Michal put in the bed, was a compleat statue or Image of a man. The use of these Images, was to consult with them as with Oracles, concerning things for the present unknowne, or future to come. To this purpose they were made by Astrologers under certaine constellations, capable of heavenly influences, whereby they were enabled to speake. The Teraphims have spoken vanitie, Zach. 10.2. And among other reasons, why Rachel stole away her Fathers Images, this is thought to be one, That Laban might not by consulting with these Images discover what way Jacob tooke in his flight.

\* Aben-Esra. Gen.  
31.

## CHAP. X.

*The severall sorts of Divination forbidden.*

WE shall finde, Deut. 18. 10, 11. those Diviners, which are by the Law forbidden, distinguished into seven kinds, not because there were no other, but they were the most usuall. 1. An observer of times. 2. An Inchanter. 3. A witch. 4. A Charmer. 5. A consulter with familiar spirits. 6. A wizard. 7. A Necromancer. To these we may adde an eighth out of Hos. 4. 12. consulting with the staffe. And a ninth out of Ezekiel 21. 21. A consulter with intrals. 1. The first is *וַיְוָא*.

AN



An observer of times, one that distinguisheth times and seasons, saying, such a day is good, or such a day is naught, such an houre, such a weeke, such a moneth is luckie, and such and such unluckie, for such and such busineses: whence those that derive the word from *עין* Gnajin, signifying an eye, (as if hereby were meant a Jugler, or Impostor who deceived the eyes of his spectators by casting a mist before them) utterly mistake: more pertinently they speak, who derive it from *זמן* Gnana, signifying Time. But of all I approve those who derive it from *ענן* Gnanan, *Aben Ezra* *Leviticus* 19<sup>26</sup> cloud, as if the originall signified properly a Planetary, or Starre-gazer. Hereby he is distinguished from the second sort of unlawfull Diviners, for hee also was an observer of times; the first drawing his conclusions from the colour or motion of the clouds: the second, from his owne superstitious observation of good and evill events, happening upon such and such dayes, such and such times: the first seemeth to have drawne his conclusions *a priori*, from the clouds or Planets, causing good and bad events: the second *a posteriori*, from the events themselves, happening upon such and such times. This Planetary, when he observed the clouds, seemeth to have stood with his face Eastward; his backe westward, his right hand towards the South; and his left hand towards the North: except it was from this posture of the Starre-gazers body in time of observing, I finde no reason why the Hebrewes should terme the Easterne part of the world *קדמון* Kadim (i.) the former part of the world: the western part *אחור* (i.) The backe part: the South part *צפון* Lamin (i.) The right hand: The North part *שמאל* Shemol,

*Shemol* (1) The left hand: that the reason of these denominations is, because *Adam* was created with his face toward the *East*, is as vaine, as hard to prove.

2. The second is *Menachesch*, rendred an *Inchanter*; it importeth rather an *Augur*, or *Soothsayer*. The originall signifieth such a one who out of his owne experience draweth observations, to fore-tell good or evil to come, as *Soothsayers* doe by observing such and such events, by such and such flyings of Birds, screechings, or kawings. The *Rabbines* speak in this wise: <sup>d</sup> He is *Menachesch* a *Soothsayer*, who will say, because a morsell of Bread is fallen out of his mouth, or his staffe out of his hand, or his sonne called him backe, or a Crow kewed unto him, or a Goat passed by him, or a Serpent was on his right hand, or a Fox on his left hand, therefore hee will say, doe not this or that to day. This word is used, *Genes.* 30. 27. I have learned by experience, saith *Laban*, that the Lord hath blessed me for thy sake. Again, *Gen.* 44. 5. Is not this the Cup in which my Lord drinketh? and whereby indeed he divineth? That is, proveth or maketh triall or experience what manner of men yee are: the *Heathen* people were verie superstitious in these observations: Some dayes were *Arri*; others *Albi*; some unluckie, others luckie; on some dayes they counted it unfortunate to begin battaile, on some moneths unfortunate to marrie.

*Mense malum Maio nubere vulgus ait.* (1) with

*Ovid. Fast.*

And as they were superstitious in observing unluckie

<sup>d</sup> D. Kimchi in  
radic.

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lucky sign, as, so likewise in the meanes used to avert the ill portended: the meanes were either words or deeds. Deeds; thus if an unlucky bird, or such like came in their way, they would sling stones at it; and of this sort is the scratching of a suspected Witch, which amongst the simpler sort of people is thought to be a meanes to cure witchcraft. By words, they thought to elude the evill, signified by such signes, when they say, Εὐχὴ καὶ τὸ πρὸς, In caput tuum recidat hoc omen; This evill light on thine owne head.

Pluraisius modi  
ἐνοστα συμφορά  
vide apud Theo-  
phrastu Character.  
ἐκ τῶν δακτύλων.

ἐκ τῶν δακτύλων  
ἐκ τῶν δακτύλων  
ἐκ τῶν δακτύλων

The third is **מכשף** *Mecasteph*, *Awin h*, properly a *Jugler*. The original signifieth such a kind of sorcerer who bewitcheth the senses and mindes of men, by changing the forme of things, making them appeare otherwise than indeed they are. The same word is applyed to the sorcerers in Egypt, who resisted Moses, Exod. 7. 11. Then Pharaoh also called Mecastephim, the sorcerers. Now the Magicians in Egypt, they also did in like manner with their Incantments. This latter part of the text explaineth what those sorcerers were. In that they are called Magicians, it implyeth their learning, that they were wise men, and great Philosophers: the word incantments declareth the manne of the delusion, and it hath the signification of such a sight, whereby the eyes are deluded, for **לִבְשֵׁי לַחַשִׁים** *Labshim*, there translated incantments, importeth the glittering flame of a fire, or sword, wherewith the eyes of men are dazzled. The Greeke version dooth not untruly terme them *εὐχαριστῶντες*, *Sebastarios*, *ἑτοιμαστές* of Medicines, or if you please, *complexion-makers*,

ἑτοιμαστές ὧν  
ἡμεῖς ἔσμεν. *Suidas.*

makers, such artificers who make men and womens faces with paintings and false complexions. Hence it is that the Apostle compareth such false teachers, who under a forme and shew of godlinesse, leade captive silly women, to the Egyptian Sorcerers, Iannes and Iambres, who resisted Moses, 2 Tim. 3.8. These two were of chiefe note. In the <sup>e</sup> Talmud they are called Iohanne and Mamre; by <sup>h</sup> Numenius, a Pythagorean, Iannes and Mambres; by <sup>i</sup> Pliny, Iannes and Iotape.

<sup>e</sup> Talmud. tract.

Menachoth. cap. 9.

<sup>h</sup> Origen contra

Celsum. lib. 4.

<sup>i</sup> Plin. nat. hist. lib.

30. cap. 1.

The fourth is חובר Chober, a Charmer. The Hebrew word signifieth conjoyning or consociating; either from the league and fellowship which such persons have with the Devil, or as Bodine thinketh, <sup>h</sup> because such kinde of Witches have frequent meetings, in which they dance and make merrie together. Onkelos translateth such a charmer רטין Raten, a mutterer, intimating the manner of these Witcheries, to be by the muttering, or soft speaking of some spell or charme. The description of a charmer is thus delivered: <sup>i</sup> Hee is a charmer who speaketh words of a strange language, and without sense, and hee in his foolishnesse thinketh that these words are profitable: that if one say so, or so, unto a Serpent or Scorpion, it cannot hurt a man, and he that saith so or so unto a man hee cannot bee hurt, &c. Hee that whispereth over a wound, or readeth a verse out of the Bible, likewise hee that readeth over an Infant, that it may not be frighted, or that layeth the Booke of the Law, or the Philacteries upon a childe that it may sleepe, such are not onely among Inchanters, or Charmers, but of those that generally deny the Law of God, because they make the words of

<sup>h</sup> Bodin. Mag. daemon. lib. 1. cap. 6.

<sup>i</sup> Maimon. tract.

Idolol. cap. 11.

sect. 10. 12.

of the Scripture medicine for the body, whereas they are not, but medicine for the soule. As it is written, Prov. 3. 22. They shall bee life unto thy soule. Of this sort was that, whereof <sup>m</sup> Bodinus speaketh, That a childe by saying a certaine verse out of the Psalmes, hindred a woman that shee could not make her butter; by reciting the same verse backward, hee made her butter come presently.

The fifth, **אבן שוול** *Schoel Ob*, a consalter with Ob, or with familiar spirits. Ob signifieth properly a Bottle, and is applied in divers places of Scripture to Magicians, because they being possessed with an evill spirit, speak with a soft and hollow voice, as out of a bottle. The Greeke calleth them *Ενυπνιδισται*, <sup>• Chrysostom.</sup> *Ventriloques*, such whose voice seemeth to proceed out of their bellie. Such a Diviner was the Damofell, Act. 16. 16. in <sup>1. Cor. 12. Tertul.</sup> Saint Augustines judgement, and is probably thought so by most Expositors, who are of opinion, that the spirit of Python, with which this Damofell was possessed, is the same which the spirit of Ob was amongst the Hebrewes. Hence the witch of Endor, whom Saul requested to raise up Samuel, is said in Hebrew to have consulted with Ob; but among the Latine Expositors, there is commonly translated *Pythoniſſa*, one possessed with the spirit of Python. <sup>adv. Marcion. lib. 4. cap. 35. • August. 1. de doctr. Christi. ca. 23.</sup>

The sixth is **אבן שוול** *Iddogoni*, A wizard; in the Greeke, hee is translated sometimes *Γαδινος*, a cunning man. In both languages hee had his name from knowledge, which either the wizard professed himselfe to have, or the common people thought him to have. The Rabbits say, hee was called in



P. P. Pag. Levit. 19.  
Verum Aithenaeus  
besti. m. hang vocat  
28. m. C. 1. v. d. a.  
P. d. Bodin. Mag.  
demon. lib. 1. cap.  
6. pag. 89.

q. Perer. de Mag.  
pag. 57.

Hebrew from a certaine beast named by them *P Iadua*, in shape resembling a man, because these wizards when they did utter their prophetes, held a bone of this beast betweene their teeth. This happily might be some diabolicall Sacrament or Ceremonie, used for the confirmation of the league betweene Satan and the wizard. A Prophane historie mentioneth divinations of the like kinde, as that *Magitians* were wont to eat the principall parts and members of such beasts, which they deemed propheticall, thinking thereby, that by a kinde of *transfusion*, the soule of such beasts would bee conveyed into their bodies, whereby they might bee enabled for propheticie.

The seventh is *דורש על המתים* *Doresch el hammethim*, the Greeke answereth word for word, *Empyrus* *רוי המתים* *An inquirer of the dead*, a Necromancer. Such diviners consulted with Satan in the shape of a dead man. A memorable example wee finde recorded in *Sam. 29*. There King Saul about to warre with the *Philistines*, (God denying to answer him either by dreames, or by *Vrim*, or by *Prophets*) upon the fame of the *Witch of Endor*, hee repaired to her, demanding that *Samuel might bee raised up from the dead*, to tell him the issue of the warre. Now that this was not in truth, *Samuel*, is easily evinced, both by testimonies of the learned, and reasons. First, it is improbable, that God who had denied to answer him by any ordinary meanes, should now deigne him an answer so extraordinary. Secondly, no Witch or Devill can disturbe the bodies or soules of such as die in the Lord, because they

they rest from their labours, Rev. 14. 14. Thirdly, if it had beene *Samuel*, he would doubtlesse have re-  
proved *Saul* for consulting with *witches*.

The eighth is *סוֹחַם סוֹחַם* Scoel m'lo, A con-  
sultor with his staffe, Hos. 4. 12. *Jerome* saith the  
manner of this divination was thus: That if the  
doubt were betwene two or three cities, which first  
should bee assaulted; to determine this, they wrote the  
names of the cities upon certaine staves, or arrowes,  
which being shaken in a quiver together, the first that  
was pulled out determined the citie. Others deliver  
the manner of this consultation to have been thus: *Vid. Drus. in  
Deut. pag. 392.*  
The consulter measured his staffe by spans, or by the  
length of his finger, saying as hee measured, I will goe,  
I will not goe, I will doe such a thing, I will not doe it,  
and as the last span fell out, so hee determined: This  
was termed by the Heathens *ῥαβδομαντία* or *ῥαβδομα-  
ντία* Divination by rods, or arrowes.

The ninth was *רֹאֵה בַּבְּבָר* Roe baccabed, a divi-  
ner by intralls, Ezek. 21. 21. *Nebuchadnezzar* being  
to make warre both with the *Jewes* and the *Ammo-  
nites*, and doubting in the way against whether of  
these he should make his first onset; First, he con-  
sulted with his arrowes and staves, of which hath  
been spoken immediatly before; Secondly, he con-  
sulted with the intralls of beasts. This practice was ge-  
nerally received among the Heathens, & because the  
liver was the principal member observed, it was cal-  
led *ἡπατομαντία* Consultation with the liver. Three things  
were observed in this kinde of divination. First,  
the colour of the intralls, whether they were all well  
coloured. Secondly, their place, whether none were  
displaced.

**L I B. 4. severall sorts of Divination forbidden.**

*displaced. Thirdly, the number, whether none were wanting; among those that were wanting, the want of the liver or the heart chiefly presaged ill. That day when Iulius Caesar was slaine, it is storied, that in two fat Oxen then sacrificed, the heart was wanting in them both.*

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**THE**

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THE  
FIFTH BOOKE  
Of their Consistories.

CHAP. I.

*Their Courts of Iudgement, especially their Ecclesiasticall Consistory.*

**H**ere were in *Israel* distinct Courts, consisting of distinct persons, the one principally for Church busineses, the other for affaires in the common weale, the one an *Ecclesiasticall Consistorie*, *Junius Analyt. Expos. Deut. 17.* the other a civill iudicatorie: of these, and their severall censures, and punishments, it remaineth now to be spoken.

These different consistories or Courts of justice, we finde first distinguished; *Deut. 17. 12. He which will not hearken unto the Priest or unto the Judge.* Where the people of *Israel* are directed, in what cases, and to what persons they should make their appeales from inferiour courts; Namely, to the  
C c 3. Priest

Priest in matters spirituall, or ceremoniall; and to the Iudge in matters civil or criminall. These two Courts are more plainly distinguished, 2 Chron. 19. where Iehosaphat reforming many abuses in Church and Common-wealsh, first appointed thorowout all the fenced cities of Iudah, secular Iudges to determine criminall causes, vers. 5. And at Ierusalem he appointed a spirituall Court consisting of Levites, Priests, and the chiefe Fathers of Israel, vers. 8. And in causes spirituall for the Lord, Amariah the high Priest was chiefe: in causes criminall for the King, Zebediah was chiefe, vers. 11. likewise the Prophet Jeremiah is condemned to die, by the consistorie of Priests, Ier. 26. 8. But by the consistorie of Princes, or secular Iudges, sitting in the gate, hee was absolved and discharged, vers. 16. yea, although the tyranny of Antiochus, and the troublesome times insuing had bred such a confusion in matters of government among the Iewes, that an evident distinction can hardly be found in the New Testament: yet some footsteps and imperfect tokens of both Courts are there observable, principally, Matth. 21. 23. 11. Matth. 26. 3. The chiefe Priests, and the Elders of the people, are named as two distinct Consistories: and each Consistorie seemeth to be differenced by its proper name; the secular Consistorie termed *Sanhedrin*, A Councell: the spirituall termed *Sanhedrin*, A Synagogue. They will deliver you up to the Councells, and they will scourge you in their Synagogues, Matth. 10. 17. Hence that great assembly of Prophets and holy men, called together by Esra, for the reformation of the Church, after their returne from Babylon,



is called *Synagoga magna*, *Their great Synagogue.*

The office of the *Ecclesiasticall Court*, was to put a difference betweene things *holy and unholy*, and betweene *cleane and uncleane*, *Levit. 10. 10.* and to *determine appeales in controversies of difficultie*. It was a *representative Church*. Hence is that, *Dic Ecclesia*, *Matth. 18. 16. Tell the Church*, because unto them belonged the *power of Excommunication*, the severall sorts of which censure follow in the next Chapter.

Onely here take notice, that as in the *Civill Consistories*, consisting of *seventy Iudges*, which was the supreme Court, there were two sate as chiefe, namely one whom they termed *Nasi*, the *Lord chiefe Iustice*; and the other, whom they termed *Ab beth din*, the *Father of the Senate*: so in the *Ecclesiasticall Consistorie*, the *high Priest* and his *Sagan*, or *second high Priest*, sate chiefe there, *2 King. 23. 4.* That the *high Priest* sate in the *Sanhedrim* necessarily is an error, for hee was not elected into that company, except he were a man of *extraordinarie wisdom*. Againe, note that sometimes both *Consistories* assembled together, as often as the matters to be determined, were partly *Ceremoniall*, partly *Civill*, partly belonging to the *Church*, partly to the *Common-wealth*: which being not noted, causeth the Courts not to bee distinguished by many *Expositors*. This meering and joyning of both *Consistories* often appeareth in the *Gospel*. The *chiefe Priests* and the *Elders* meet together.

*Moses Rosen-  
in Sanhedrim.*

## CHAP. II.

## Of their Excommunication.

• נדדו Signifi-  
cat hac vox Sepa-  
rationem, Elonga-  
tionem. deducitur  
à verbo נדד  
Separavit. Hinc  
etiam proscriptus,  
profligatus, aut se-  
paratus quispiam  
dicitur מנודה  
• Buxtorf. ex Rab-  
binis Epistol. Hebr.  
pag. 55.

**T**hey had three degrees of Excommunication. The first was called in the *N.T.* a casting out of the Synagogue; *Ioh. 9. 22.* by the Jews <sup>a</sup> Niddui (i) a separation, or putting away. <sup>b</sup> It signified a separation from all commerce or societie with any man or woman for the distance of foure cubits; also from eating or drinking with any; from the use of the marriage bed; from shaving, washing, or the like, according to the pleasure of the *Iudge*, and the qualitie of the offence: It was of force *thirtie dayes*, yet so that they might bee shortned upon repentance. He that was thus excommunicated had power to bee present at Divine service, to teach others, and learne of others; hee hired servants, and was hired himselfe, but alwaies on condition of the foresaid separation. If he remained impenitent, according to the pleasure of the *Iudge*, his punishment was increased, either to the doubling or the tripling of the time, or to the extending of it to their lives end; his male children were not circumcised; if he died without repentance, then by the sentence of the *Iudge*, a stone was cast upon his coffin, or heire, to shew that he was worthy to be stoned. They mourned not for such a one with solenne lamentation, they followed him not unto the grave, nor buried him with common buriall.

The

The second was called in the *N. T.* a giving one over to Satan, 1 Cor. 5. 5. By the Jewes *Cherem*. For the better understanding of this word, we must know, that it is not used in this sense in the *Old Test.* There we shall finde it applyed to persons, or to things; if to persons, then it signifieth a devoting of them to God by their death, *Levit.* 27. 29. If to things, then it signifieth a devoting of them unto God, by separating them from ordinarie use: hence it is that *Achan* is punished for stealing the devoted thing, *Iosh.* 7. Persons thus devoted were termed by the Greekes *anathema*, and devoted things, *anathema*. Notwithstanding, in the *Apostles* time, both *Cherem*, and *anathema*, signified a second degree of Excommunication, differing from the former; First, because it was not done in a private court, but published in the audience of the whole Church. Secondly, maledictions, and curses were added out of the Law of *Moses*. At the publishing hereof candles were kindled, and when the curses were ended, they put out the candles, in token that the excommunicate person was deprived the light of Heaven. This kinde of Excommunication was exercised against the incestuous person, 1 Cor. 5. 5. And against *Hymeneus*, and *Alexander*, 1 Tim. 10. 25.

The third was called in the *New Test.* by the *Syriack* name *Maranatha*; 1 Cor. 16. that is, the Lord cometh. *Maran* signifieth the Lord and *Atha*, cometh; and this they say was instituted by *Ezekiel*; *Iud.* 14. The Jewes called it *Schamatha*, the Etymologie of which word I finde to be twofold. Some say it soundeth as much as *Maran-atha*,



It take to be the place for this *second degree of Excommunication*, so that the force of this censure I thinke to consist in these three things. First they were barred the *Lords Table*. Secondly, they might not stand by at the administration of the *Lords Supper*, (which was allowed in the first degree) and this appeareth clearely, because the *Catechumens* departed alwayes at the celebration of the *Communion*; for to them principally it was said, *Ite missa est*. Thirdly, though they might *sometimes* fall downe on their knees and pray, and were thence called *Succumbentes*, yet this they might not doe in the Congregation, but only in that place behinde the *Quire* or *Pulpis*, which was allotted to the *Catechumens*, and in this also this *second degree* differeth from the first. The third sort of censure was *excom*, the partie thus censured was permitted to come no further than the *Church porch*, where it was lawfull for him to heare the Scriptures read, but not to joyne in prayer, nor to approach the *Lords Table* whence such were termed *Audientes*. The fourth and last sort was *excommunicatus*; persons under this censure, stood quite without the *Church*, requesting those that entred in, with teares and weeping, to petition the *Lord* for mercie toward them, whence they were called *Plorantes*.

Seeing it is commonly thought, that *Cain* was censured by the first degree of *Excommunication* called *Niddin*, and that the last called *Schamathu* was of *Enochs* confiscation; both these being of such antiquitie, I dare not say, that the three degrees of *Excommunication* were borrowed from the three



<sup>1</sup> De quibus P. Fa-  
gina in Num 5.2.

sorts of uncleannesse, which excluded people out of the three camps, though there was an observable proportion betwene them. *Niddui*, may bee paralleld with the exclusion out of the camp of God alone, which befell those that were defiled by touch of the dead: *Cherem* may bee compared to the exclusion out of the camp of God, and the camp of Levi, which befell those that were defiled of an issue. *Schammatha* may bee compared with the exclusion out of all three camps, the camp of God, the camp of Levi, and the camp of Israel, this befell those that were defiled of leprosie, and from the *Iewes* it is probable that the Greeke and Latine Churches borrowed their degrees of Excommunication.

### CHAP. III.

*Their civil Consistories, what persons were necessarily present in's them.*

**I**N many things, men might bee sinfull in respect of Gods Law, though not liable to punishment, in respect of mans; thou shalt not avenge, nor be mindfull of wrong, *Levis. 19. 18* which the *Hebrewes* explaine thus, To avenge, is to deny a good turne to one who formerly denyed him. To bee mindfull of a wrong, is to doe a good turne to one who formerly would not doe so much for him; but at the doing thereof, to upbraid the other of his unkindnesse. They illustrate it thus: when *Ruben* saith to *Simoon*, Lend mee thy hatchet; hee answereth,

answereth, I will not lend him: Afterward *Simeon* hath need to borrow an hatchet of *Ruben*, and saith unto him, Lend me thy hatchet; *Simeon* saith unto him, I will not lend him, thou wouldst not lend me thine: this is נֶקִימָה *Nekima*, *Avenge*ment. Now when *Ruben* saith to *Simeon*, Lend me thy hatchet; he answereth, I will not lend him; afterward *Simeon* borroweth an hatchet of *Ruben*, *Ruben* saith, Loe I will lend it thee, I will not deale with thee, as thou dealdest with me, this is נְטִירָה *Netira*, *Mindfulness*: both these were sinfull, but not liable to mans judgement.

In all *civill Courts*, five sorts of persons were alwayes present. 1. *Judges*. 2. *Officers*. 3. *Pleaders*. 4. *Notaries*. 5. *Witnesses*. In the *supreme Court* there was one that was chiefe over all the other *Judges*, they called him in *Hebrew* *Nasi*, in *Greece*, *Prætor*, *The Prince*. His leave was craved for the triall of actions: The *Witnesses* were at least two, *Deut.* 19. 15. If they were false, they punished them with a *Talis*, the same punishment which hee intended against his brother, *Deut.* 19. 19. The *Notaries* were two, \* one stood on the right hand to write the sentence of absolution, and what was spoken in defence of the partie, the other stood on the left hand, to write the sentence of condemnation, and the objections against the partie. \* *Darius* thinks that *Christ* speaking of the last judgement, had reference to this, Hee shall see the sheepe on the right hand, and on the left the goats, *Matth.* 25. 32. The *Officers* were in manner of *Sheriffes*, they were present to execute what the *Judges* determined, whence they

\* *Moses Katsen*  
in *Sanhedrim*

\* *Drus. prætorius*  
*Matth.* 25.

\* Mos. 18. 25.  
in Sanhedrim.

they carried up and downe their \* *flaves* and whips, as the *Consuls* at *Rome* had *rods* and *axes* carried before them, for the readier execution of justice. In *Hebrew* they are called שוטרים *Schoterim*, by the *Septuagint* sometimes *μαγιστροι*; in our *English* translation commonly *Officers*, and by *Saint Luke* *μαγιστροι*; for doubtlesse there is allusion unto them, *Luk. 12. 58*. When thou goest with thine adversarie (*αποστη*) to the *Magistrate* as thou art in the way, give diligence that thou mayest bee delivered from him, lest wee hale thee to the *Judge*, and the *Judge* deliver thee to the *Officer*, &c. The *Pleader* was called שטריב *Baal rib*, hee stood on the right hand of the partie cited into the *Court*, whether hee pleaded for, or against him. The *Lord* shall stand on the right hand of the poore, to save him from those that judge his soule; *Psal. 119. 31*. that is, the *Lord* shall plead his cause. And *Satan* stood at the right hand of *Ioshua*; *Zach. 3. 1*. that is, to accuse him, or plead against him. When *Saint Iohn* speaketh, *If any man sinne, wee have an advocate*, 2 *Ioh. 2. 1*. hee alludeth unto this *Baal rib*, or *Pleader*, The *Judges*, they examined and determined matters, and after examination, sentence was pronounced by the *Judge* in this manner; *Tu N. justus, Tu N. reus. Thou Simeon art just, Thou Ruben art guiltie*: at the pronounciation of which, the guiltie person was dragged to the place of execution: When hee shall be judged, let him be condemned, *Psal. 109. 7*. the *Hebrew* is, *Let him goe out wicked*.

The manner of sentencing persons, varied in most countries. The *Jewes* by a simple pronounciation

tion of sentence, both absolved men, and condemned them. The <sup>c</sup> Romans gave sentence by casting in tables, into a certaine box or urne prepared for the purpose: if they absolved any, they wrote the letter *A*, in the table, it being the first letter of *Absolve*: if they would condemne any, they cast in a table with *C*, written in it, which is the first letter of *Condemno*: If the matter were hard to determine they would cast in other tables with *N. L.* signifying *Non liquet*. The <sup>d</sup> Grecians in like manner used three letters; *Θ* was a token of condemnation, which occasioned that of *Porphy*.

<sup>c</sup> *Rosa. Antiq.*  
*Rom. l. 9. c. 24.*

<sup>d</sup> *Erasm. Adag.*  
*Θ presig.*

*Es potius es nigrum, vitio prefigere theta.*

*T* was a token of *Absolution*; *Λ* of *ampliation*. Others signified *condemnation*, by giving a blacke stone; and *absolution*, by giving a white stone.

*Mos erat antiquis, niveis etrisque lapillis,*

*Hos damnare reos, illos absolvere culpa.*

*Ovid. Metamor. l. 5.*

To this there seemeth to be allusion, *Revel. 2. 17.* To him who *overcometh*, I will give a *white stone*, that is, I will *absolve* and *acquie* him in the day of judgement.

Note these three phrases, *arise in judgement*, *rise up in judgement*, *depart guiltie*. The first, is applied to the Judge in the execution of justice, when God *rose up* to judge, *Isaiah 7. 10.* That is, to execute judgement. The second, is applied to the party prevailing in judgement. The men of *Ninive* shall rise up in judgement with his generation, *Matth. 12. 41.* That is, shall be justified before this generation.

olden

The

The last, is applyed to the partie condemned, Psalm. 109. 7. Let him depart guiltie or wicked. The ungodly shall not stand in judgement, Psalm. 1. The like phrases were in use among the Romans, *Stare in Senatu*, To prevaile in the Senate. *Causa cadere*, To be cast in ones suit. But these phrases among the Romans, I thinke to have beene taken out of their Perce-schools, where the set posture of the body, by which a man prepareth himselfe to fight, and grapple with his enemy, is termed *Status*, or *Gradus*, as *Cedere de statu*, To give bracke, *Gradum*, vel *statum servare*, To keepe ones standing: and from thence have those elegancies beene translated into places of judgement.

#### CHAP. IV.

##### The number of their civill Courts.

Their civill Courts were two, **הגדול** *Sanhedrim gadola*, the great Consistorie, or supreme Senase, **הקטן** *Sanhedrim Katan*, the lesser and inferior Court. Thus I finde them divided generally by the Rabbines, and although the latter was subdivided as will after appeare, yet in old time, there were only two first branches, which division our Saviour Christ seemeth to have followed, calling the lesser Court *syn*, by the name of judgement: the greater *Sanhedrim*, by the name of a Councell. Whosoever is enerie with his brother undadvisedly, shall be culpable



pable of *Judgement*. Whosoever saith unto his brother *Raca*, shall bee worthy to bee punished by the *Councell*: whosoever shall say *foole*, shall bee worthy to be punished with the *fire of Gehenna*, *Matth.*

5. In which words, as there is a *gradation of sinne*,

1. *Anger*, a passion of the mind. 2. *Raca*,<sup>e</sup> *scorne-*

full or slighting speech, as *Tut, Tush, &c.* 3. *Foole*, reproachfull and opprobrious names: So likewise there is a *gradation of punishment*.

1. *Judgement*, a lesser court. 2. *Councell*, the greater court. 3. The

*fire of Gehenna*: Now *Gehenna* was a valley, terrible for two sorts of fires in it; *First*, for that wherein men burnt their children unto *Moloch*.

<sup>f</sup> *Secondly*, for another fire there continually burning, to consume the dead carcases, and filth of *Jerusalem*; partly for the terribleness of the first, and partly for the contemptibleness of the place by reason of the second fire, it was a *type of hell fire it selfe*. We may resolve that text thus, *Anger* deserved the punishments of the *lesser court*. *Raca*, the punishments of the *greater*: And *Foole*, deserved punishments beyond all courts, even the *fire of Gehenna*.

The *greater court* by way of excellency, was called the *Sanhedrim*, which word came from the *Greece* *συνεδριον*, a place of judgement: It was also called בית *Beth din*, the house of judgement. It was distinguished from the other Courts, first, in respect of the number of the *Judges*, which were <sup>g</sup> *se-*ventie one; according to the command of God to *Moses* at their first institution, *Numbers* 11. 16. Gather unto mee *seventie* men of the *Elders* of *Israel*, whom thou knowest that they are the

<sup>e</sup> *Raca non grandis alicujus est sermo convicii sed magis e contemptu natiu est, & neglectu dignitatis. Chrysost. homil. 16. in Mat.*

<sup>f</sup> *David Kimchi*  
*Psal. 27. 13.*

<sup>g</sup> *Moses Rosenf.*  
*fol. 186. col. 2.*

Elders of the people, and governours over them, and bring them unto the tabernacle of the congregation, and let them stand there *with thee*. From the latter words of this Text, it is observed that there were *seventy* besides *Moses*, and therefore after his decease, they alwayes chose one *chiefe Judge* in his roome, not reckoning him among the *seventy*, they called him *Nassi*, the *Prince* or *chiefe over the seventy*. These *seventy* are <sup>h</sup> thought to be chosen six out of every *Tribe*, save the *Tribe of Levi*, out of which onely *four* were chosen. \* Others think the manner of their choise was thus; Six of every tribe had their names written in little scrolles of paper, in seventy of these scrolles was written זקן *Zaken*, *Senex*, an *Elder*; in the two other חלק *Chelek*, *Part*, A *Part*; these scrolles they put in a pitcher or urne, and those that pluckt out a scroll wherein *Elder* was written, were counted amongst the number of the *Judges*: those that pluckt out the other scrolles, in which a *Part* was written, they were rejected, *Numb. 11. 26*. The senior of these *seventy* was called אב ביה דיין *Ab besh din*, the *Father of the judgements Hall*. The <sup>i</sup> whole seat or bench of *Judges*, sate in manner of an halfe circle, the *Nassi* sitting in the middest above the rest, the others sitting round about beneath, in such manner that the *Father of the judgements Hall* sate next to the *Nassi* on the right hand. The *lesser Consistorie* was subdivided into two sorts, one consisted of *twenty three Aldermen*, and two such *Consistories* there were in *Jerusalem*, the one at the doore of the *Courts* before the *Temple*, the other at the doore of the *mountaine*

<sup>h</sup> Franc. Junius  
Analytic. expof.  
Numb. 11.

\* Solomon Larchi.

Numb. 11. 26.  
<sup>i</sup> Moses Kotsarf.  
fol. 186. col. 2

taine of the Temple : yea, in every Citie thorowout Israel, where there were sixscore housholders, such a Consistorie was erected : the other sort of lesser Courts consisted onely of a *Triumvirat*, three Aldermen : and this was erected in the lesser Cities, which had not the number of sixscore housholders.

The <sup>k</sup> second difference betweene the greater <sup>Mose's Konsens.</sup> Consistorie and the lesser, was in respect of the place. <sup>ibid.</sup> The seveny sate only at Jerusalem within the Court of the Temple, in a certaine house called *לשבת הדין* *Lischath hagazith*, The paved chamber, because of the curious cut stones wherewith it was paved : by the Greekes it was called *αδόςματος*, the pavement. Pilate sate downe in the judgement seat, in a place called the Pavement, *Ioh. 19. 13.* The other Consistorie sate all in the gates of the Cities. Now because the gates of the Citie are the strength therof, and in their gates their Judges sate ; hence is that, *Mat. 16. 18. The gates of hell shall not overcome it*, that is, neither the strength, nor pollicie of Satan.

Lastly, they differed in respect of their power and authoritie : the Consistorie of sevenie received <sup>1</sup> appeales from the other inferiour Courts, from that there was no appeale : againe, the Consistorie of three sate not on life and death, but only on petty matters, as whipping, pecuniary controversies, and such like ; the other of twentythree sate on life and death, but with a restrained power, they had not authoritie to judge an whole tribe, the high Priest, false Prophets, and other such weighty matters :

<sup>m</sup> Cumeus de rep.  
H. br. pag. 109.

this belonged only to the *seventie in Ierusalem*:  
<sup>m</sup> Hence is that, *O Ierusalem, Ierusalem, which kil-  
lest the Prophets, Luke 13.34.* The meanes how they  
tryed a *false Prophet* was thus, they observed the  
judgements which he threatned, and the good which  
hee prophesied to a place, if the judgments tooke  
not effect, this did not argue him a *false Prophet*,  
because *God* was mercifull, as in the case of *Ezeki-  
ah*, and the people might repent, as the *Ninivites*  
did: but if he prophesied good, and that came not to  
passe, they judged him a *false Prophet*. The ground  
of this triall they make the words of *Jeremiab*, *The  
Prophet which prophesieth of peace, when the word of  
the Lord shall come to passe, then shall the Prophet bee  
knowne, that the Lord hath truly sent him, Ier. 28.9.*

<sup>p</sup> P. Galatin. lib. 4.  
cap. 5.

<sup>o</sup> Iosiph. Antiq.  
lib. 14. cap. 17.

The *College* or companie of these *seventie*, exer-  
cised judgment, not onely under the *Kings* and  
*Judges*,<sup>n</sup> but their authoritie continued in times of  
vacancies, when there was neither *Iudge* nor *King*  
to rule *Israel*, and it continued untill <sup>o</sup> *Herod* put  
them downe, and destroyed them, to secure him-  
selfe of the Kingdome.

Here some may object, that there were no such  
*Courts*, or their libertie much infringed in *Samu-  
els time*: For he went from yeare to yeare in circuit  
to *Bethel*, and *Gilgal*, and *Mizpeh*, and *Iudged Israel*  
*in all those places, 1 Sam. 7. 16.* To which I take it, we  
may say, that as the *Emperours of Rome* had power  
to ride *Circuits*, and keepe *Affises*, which was  
done without any infringement of the liberties of  
their *Senate*: So the *Kings* and *Judges* in *Israel* had  
the like power, and yet the authoritie of their  
Courts

Courts stood firme. This kind of judging by keeping of Assises, the Romans termed *Assalw uvelar*, the other *Assalw ouyallitor*.

CHAP. V

Properties required in Iudges, and the manner of their election.

**T**HE Law of God required these properties in Iudges; 1. *Wisdome*. 2. *Vnderstanding*. 3. *Integritie*. 4. *Courage*, Deut. 1. 13. Others are reckoned, Exod. 18. 21. namely, 5. *The feare of God*. 6. *Love of truth*. 7. *Hating of covetousnesse*: to these may be added the eighth, namely, *having no respect of persons*, Deut. 1. 17. These two last especially, the Heathens required in their Iudges: whence the <sup>a</sup> Thebans painted *Iustice without hands*, <sup>a</sup> Platarch. di. 1. and *without eyes*, to intimate that Iudges should receive no gifts, nor be swayed with sight of persons.

The <sup>b</sup> Iewes added many more. 1. *That they should be free from all blemish of bodie*. 2. *That they should be skilled in the seven languages*, to the intent that they might not need an interpreter in the hearing of Causes, 3. *That they should not be farre strooken in yeares*; which likewise was required by the Romans in their Iudges, as appeareth by that commandage, *Sexagenarius de ponte*. 4. *That they should be no Eunuches*, because such commonly were cruell. 5. *That they should be Fathers of children*, which they thought was a speciall motive to mercy. 6. *That they should be skillfull in*

Ec 3

Magicke,



L 18. 5. *The manner of electing Judges.*

*Magick, without the knowledge of which, they were not able to judge of Magicians.*

That there might bee a sufficient supply of able men to succeed in the roome of the *Judges* dying, there sate <sup>c</sup> three benches of others beneath, whom they called <sup>d</sup> *Talmidi Chacamim*, *Schollers of the wise men*: out of these they made their election, and two of these alwaies accompanied the condemned person to the place of execution.

Their *Inauguration of Judges* was trofold. At first, by *imposition of hands* upon the head of the partie, after the example of *Moses* laying hands on *Iosua*: this *imposition of hands* was not held lawfull, <sup>c</sup> except it were in the presence of five or three *Judges* at the least. Afterwards it was by saying a certaine verse. <sup>e</sup> *Loe thou art associated, and power is given thee to judge of penalties.* Hence is that saying of *Galatinus* out of the *Talmud*, *Institutio Iudicum, aut manu fiebat, aut nomine tantum.*

Observe here, that *Samuc*, which I render *associated*, doth not alwaies signifie a man licensed to the discharge of some publique office by the *imposition of hands*; for here it is applied to those, who were not admitted by *imposition of hands*. No, the reason why these words *Semica*, and *Semicuth*, are generally by all *Expositors*, *Jewes* and *Christians*, translated the *imposition of hands*, is because this solemne kinde of licencing termed *Semica* or *Semicuth*, was in old time used onely towards two sorts of men in their admission, towards *Rabbies* and towards *Judges*; which kinde of permission, because it was not performed towards either of them with-

<sup>c</sup> *Moses Kotsens.*  
*ibid.*

<sup>d</sup> הלמיווי  
הבמים  
*Disc. pult sapien-*  
*tum.*

<sup>e</sup> *Petr. Galatin.*  
*lib. 4. cap. 5.*

הוראת  
סמך  
וישכל  
רשות  
כרן  
אמילך  
ריני  
סוסור

*Maimon. in San-*  
*hedrin. cap. 4.*

without this ceremonie of *imposing hands*; hence these two words have beene translated the *imposition of hands*, whereas properly they signifie nothing else, but an *association*, an *approximation*, or *conjoyning of one into the same corporation or companie*, of which hee that doth *associate* and give admission, is a *member*.

CHAP. VI.

*Ceremonies common in all capitall  
judgements.*

**I**N their greater punishments which deprived of life, some ceremonies were common to them all.

*First, the Iudges were to use deliberation in all causes*, but especially in matters capitall. There were foure causes, saith <sup>a</sup> Jonathan in his *Targum*, that came before *Moses* (he nameth none in particular, but what they were, wee shall presently learne out of other records) *two of these were not weighty*: in these hee *hastned*; *two more materiall*, concerning life and death; in these hee *delayed*.

<sup>a</sup> Targum. Jonathan.  
Numb. 9. 8.

<sup>b</sup> *Ceterum tam de his, quam de illis dicebat, Non audiui.* Of both the *lighter*, and *weightier causes*, *Moses said, I have not heard*, to wit, from the *Lord*: to shew that a deliberation and consultation as it were with *God*, ought to bee in all judgements, before sentence bee pronounced, these foure causes are named in <sup>c</sup> other Records. The *two lightest* are,

Jonathan.  
<sup>c</sup> Targum Hiero.  
fol. Num. 9. 8.

1. The

ובאלו  
ובאלו  
אמר  
משה  
ל  
שמעיה

1. The matter of uncleannesse, debarring the people from the Paschever, Numb. 9. 9. Secondly, the case of Zelophebads daughters, Numb. 36. 10. The two weighiers are, 1. The cause of the blasphemers, Levit. 24. 13. Secondly, the case of him that gathered sticks on the Sabbath, Numb. 15. 35. In all these judgements there is, The Lord spake unto Moses. And in the first, which was counted among the lighter causes (because it was not on life and death) even there doth Moses in a solemne manner bespeak the people to stand still, *Et ego audiam*, And I will heare what the Lord will command. Notwithstanding wilfull delays in Iustice maketh the Iudge unrighteous. In that unrighteous Iudge, from whom the Widow wrested sentence by importunitie, wee read not of any other fault in him, but delay, Luk. 18. 6.

Secondly, the partie accused was placed on some high place, from whence hee might bee seene and heard of all the people: *Set Nabeth, In capite populi, on high among the people*, 1 King. 21. 9.

<sup>a</sup> Drus. praerit.  
Mat. 27.

Thirdly, the Iudges and the witnesses did (when sentence was pronounced) put their hands upon the condemned persons head, and said, *Sanguis tuus super caput tuum*, Thy blood bee upon thine owne head: unto this the people had reference, saying; *His blood be on us and our children*, Mat. 27. 25.

\* Mosef Kofen.  
in Saxbedrim.  
In Talmud lib.  
Maccoth. cap. 3. in  
Mishna.

Fourthly, the place of execution was without the gates, the malefactors were had thither by two executioners, termed by the Rabbines, *חזני חצאני* *haccenesteh*, Spectators of the congregation, which is a periphrasis of those, whom Saint Marke calleth *ἀνταρῶντες*, Mark. 6. 27. which word, though

though it be used by the *Greekes* and *Chaldee* ספיק  
ספיק  
*Paraphrasts*, yet it is a meere *Latine*, derived V. Gelid. & Tar-  
gum Hierosolym.  
Gen. 37. 36.  
*à speculando*; because in the *Court* the *Executioners* were only *spectators*, to behold and at-  
 tend what the *Judges* would command them.

*Fifthly*, when the malefactor was led to exe-  
 cution, a *publique cryer* went before, saying, Moses Kotsen in  
loco superius ci-  
tato.  
*Such a one is going to be punished with such a death,*  
*because he hath committed such, or such an offence,*  
*at such a time, in such a place, and these N. N. are*  
*witnesses thereof: If any therefore knoweth any*  
*thing which may doe him good, let him come and*  
*make it knowne.* For this purpose one was ap-  
 pointed to stand at the doore of the *Consistorie*,  
 with an handkerchiefe or linnen cloth in  
 his hand, that if any person should come for his  
 defence, hee at the doore swinged about his  
 handkerchiefe, upon the sight whereof, another  
 standing in readinesse a prettie distance off  
 with an horse, hastened and called backe the  
 condemned person: yea, if the malefactor had  
 any further plea for his owne purgation, hee  
 might come backe foure or five times, except  
 hee spake vainly, for the discerning whereof,  
 two of those, whom they termed *Schollers of*  
*the wise men*, were sent with him to observe his  
 speech on the way.

*Sixthly*, he was exhorted to confesse, that he  
 might have his portion in the world to come:  
 Thus *Ioshua* exhorted *Achan*, *Iosb. 7. 19.* *My son*  
*give, I pray thee, glory unto the Lord God of Israel;*  
*and make confession unto him: unto whom Achan*  
*answered, vers. 20. Indeed I have sinned against*

the Lord God of Israel, and thus have I done.

Seventhly, in the time of execution, they gave the malefactor, <sup>h</sup> *Gratum thuris in calice vini. A graine of frankincense in a cup of wine.*

for this they did give to cause a giddinesse in the  
condemned persons head, that thereby hee  
might bee lesse sensible of the paine. Saine

Marke calleth this cup *οινος σικκινος* *divor*, wine mingled with myrrhe, Marke 15. 23. This was done after the manner of the *Jewes*, but the soldiers in mockerie mingled Vineger and Gall with it, *Matth.* 27. 34. As likewise they gave him a second cup in derision, when they tooke a Sponge, and filled it with Vineger, and put it on a reed, *Matth.* 27. 48. Saint Marke in the first cup, mentioneth the custome of the *Jewes*, which in it selfe had some shew of compassion, for the ground of this custome was taken from that, *Prov.* 31. 6. Give strong drinke unto him that is ready to perish. Saint Matthew mentioneth only their wicked mixture, contrary to the received custome, so that one Evangelist must expound the other. This first cup was so usually given before execution, that the word *Calix* a Cup, is sometimes in Scripture put for death it selfe. Father, if it may bee, let this Cup passe from me.

*Lastly,* the tree whereon a man was hanged, and the stone wherewith he was stoned, and the sword wherewith hee was beheaded, and the napkin wherewith he was strangled, they were all buried: that there might bee no evil memo-

iall

קדוש  
לברנה  
בבדס של  
יח

Korai lehon i becos  
sohelarjn. Maimon  
in Sanhedrim.  
c. 13 It. Moses Kor-  
sen in Sanhedrim.

*i Casaubon. exer-  
cit. pag. 654. ex  
Maimonid.*



riall of such a one, to say. *This is the tree, this is the sword, this the stone, this the napkin, whereon, or where with such a one was executed.*

CHAP. VII.

Their capitall Punishments.

**T**He *Iewes* of old had onely <sup>3</sup> *four* sorts of death in use among them. 1. <sup>b</sup> *Lapidatio*, stoning. 2. <sup>c</sup> *Combustio*, burning. 3. *Decollatio*, beheading. 4. <sup>d</sup> *Suffocatio*, strangling.

Of these, stoning was counted the most grievous, burning worse than beheading, beheading worse than strangling, and strangling was the easiest of all.

They have a <sup>e</sup> *rule*, that wheresoever the Scripture saith of an offender, *Morte plectetur*, He shall be punished with death, not expressing the kinde of death, there it ought to be interpreted of strangling. For example, the Law saith of the Adulterer, *Lev. 20. 10. Morte plectetur*, Let him be punished with death: because the kinde of death is not here mentioned, they interpret it strangling. The reason of this rule is, because strangling was the easiest death of the four, and where the Law determineth not the punishment, there they say, *Ampliandi favores*, The favourablest exposition is to be given.

The rule is not generally true, for in former times Adultery was punished with stoning, I will judge thee after the manner of them that are

<sup>a</sup> Paraphrast. Chald Ruth. 1. 17. <sup>b</sup> *Lapidatio*. <sup>c</sup> *Combustio*. <sup>d</sup> *Suffocatio*. <sup>e</sup> *Rule*.

<sup>f</sup> *Decollatio*. <sup>g</sup> *Strangling*. <sup>h</sup> *Stoning*. <sup>i</sup> *Burning*. <sup>k</sup> *Beheading*. <sup>l</sup> *Strangling*. <sup>m</sup> *Stoning*. <sup>n</sup> *Burning*. <sup>o</sup> *Beheading*. <sup>p</sup> *Strangling*.

<sup>q</sup> *Stoning*. <sup>r</sup> *Burning*. <sup>s</sup> *Beheading*. <sup>t</sup> *Strangling*. <sup>u</sup> *Stoning*. <sup>v</sup> *Burning*. <sup>w</sup> *Beheading*. <sup>x</sup> *Strangling*.

<sup>y</sup> *Stoning*. <sup>z</sup> *Burning*. <sup>aa</sup> *Beheading*. <sup>ab</sup> *Strangling*. <sup>ac</sup> *Stoning*. <sup>ad</sup> *Burning*. <sup>ae</sup> *Beheading*. <sup>af</sup> *Strangling*.

<sup>ag</sup> *Stoning*. <sup>ah</sup> *Burning*. <sup>ai</sup> *Beheading*. <sup>aj</sup> *Strangling*. <sup>ak</sup> *Stoning*. <sup>al</sup> *Burning*. <sup>am</sup> *Beheading*. <sup>an</sup> *Strangling*.

<sup>ao</sup> *Stoning*. <sup>ap</sup> *Burning*. <sup>aq</sup> *Beheading*. <sup>ar</sup> *Strangling*. <sup>as</sup> *Stoning*. <sup>at</sup> *Burning*. <sup>au</sup> *Beheading*. <sup>av</sup> *Strangling*.

<sup>aw</sup> *Stoning*. <sup>ax</sup> *Burning*. <sup>ay</sup> *Beheading*. <sup>az</sup> *Strangling*. <sup>ba</sup> *Stoning*. <sup>bb</sup> *Burning*. <sup>bc</sup> *Beheading*. <sup>bd</sup> *Strangling*.

<sup>be</sup> *Stoning*. <sup>bf</sup> *Burning*. <sup>bg</sup> *Beheading*. <sup>bh</sup> *Strangling*. <sup>bi</sup> *Stoning*. <sup>bj</sup> *Burning*. <sup>bk</sup> *Beheading*. <sup>bl</sup> *Strangling*.

<sup>bm</sup> *Stoning*. <sup>bn</sup> *Burning*. <sup>bo</sup> *Beheading*. <sup>bp</sup> *Strangling*. <sup>bq</sup> *Stoning*. <sup>br</sup> *Burning*. <sup>bs</sup> *Beheading*. <sup>bt</sup> *Strangling*.

<sup>bu</sup> *Stoning*. <sup>bv</sup> *Burning*. <sup>bw</sup> *Beheading*. <sup>bx</sup> *Strangling*. <sup>by</sup> *Stoning*. <sup>bz</sup> *Burning*. <sup>ca</sup> *Beheading*. <sup>cb</sup> *Strangling*.

<sup>cc</sup> *Stoning*. <sup>cd</sup> *Burning*. <sup>ce</sup> *Beheading*. <sup>cf</sup> *Strangling*. <sup>cg</sup> *Stoning*. <sup>ch</sup> *Burning*. <sup>ci</sup> *Beheading*. <sup>cj</sup> *Strangling*.

<sup>ck</sup> *Stoning*. <sup>cl</sup> *Burning*. <sup>cm</sup> *Beheading*. <sup>cn</sup> *Strangling*. <sup>co</sup> *Stoning*. <sup>cp</sup> *Burning*. <sup>cq</sup> *Beheading*. <sup>cr</sup> *Strangling*.

*barlots*, saith the Lord, *Ezek. 16. 38.* And in the fortieth verse the judgement is named; They shall stone thee with stones: likewise the *Scribes* and *Pharises* said unto *Christ*, *Moses* in the Law commanded us, that such should bee stoned, *Ioh. 8. 5.*

Before wee treat in particular of these foure punishments, it may bee questioned, *Whether the Iewes had any power to iudge of life and death, at that time when they crucified our blessed Saviour?* The Iewes said to *Pilat*, *It is not lawfull for us to put any man to death, Iohn 18. 31.* Latter <sup>as Moses & his</sup> *Iewes* say, that *all power of capitall punishments* <sup>Sanhedrim:</sup> *was taken from them* fortie yeares before the destruction of the second Temple, and of this opinion are many Divines.

*Answer.* First, the Iewes speech unto *Pilat*, that it was not lawfull for them to put any man to death, cannot bee understood, as if they should have said, we have no power to put any man to death; for admit, that power in criminals were, in the generall, taken from them, yet in this particular, power was permitted them at that time from *Pilat*, *Take wee him, and iudge him according to your Law, Ioh. 18. 31.* Neither can it bee said, that their Law could not condemn him, if hee had beene a transgressor thereof; or that they had not out of their Law to object against him: for they say, *They had a Law, and by their Law he ought to die, Ioh. 19. 7.* It was not then want of power, but the holinesse of that time, made them say, *it was unlawfull.*

For

For they held it *unlawfull* upon their *dayes of preparation* to sit on life and death, as hath been shewne in the *Chapter of translating feasts*. And *Friday* on which our *Saviour* was condemned, was the *preparation of their Sabbath*.

*Secondly*, in the question, whether power of judging capitall crimes were taken from them by the *Romans*? Wee are to distinguish betwene crimes. *Some crimes were transgressions of the Roman Law*, as theft, murder, robberies, &c. power of judging in these was taken from them: *other crimes were transgressions onely against the Law of Moses*, as blasphemie, and the like; in these, power of judging seemeth to have remained with them. When *Paul* was brought by the *Jewes* before *Gallio*, *Gallio* said unto them, If it were a matter of *wrong* or *wicked lewdnesse*, O yee *Jewes*, reason would, that I should beare with you: but if it be a *question of words*, and *names of your Law*, looke ye to it, *Act. 18. 14.*

In handling these foure punishments, first observe the *offenders*, whom the *Jewes* make liable to each punishment; and then the *manner of the punishment*.

The persons to bee stoned were *eighteene*. <sup>h. Moses. Kalsens. fol. 188. col. 4.</sup>  
 1. He that lieth with his owne mother. 2. Or with his fathers wife. 3. Or with his daughter in law. 4. Or with a betrothed maid. 5. Or with the male. 6. Or with the beast. 7. The woman that lieth down to a beast. 8. The blasphemur. 9. He that worshippeth an Idoll. 10. He that offereth of his seed to

*Moloch.* 11. *He that hath a familiar spirit.* 12. *The Wisard.* 13. *The private intiser to Idolatry.* 14. *The publique withdrawer to idolatry.* 15. *The witch* 16. *The prophaner of the Sabbath.* 17. *He that curse his father or his mother.* 18. *The rebellious sonne.* The manner of stoning was thus, The offender was led to a place without the gates, two cubits high, his hands being bound; from hence, one of the witnesses tumbled him by a stroke upon the loynes; if that killed him nor, the witnesses lifted up a stone, being the weight of two men, which chiefly the other witness cast upon him, if that killed him nor, *all Israel threw stones upon him. The hands of the witnesses shall be first upon him to put him to death, and afterwards the hands of all the people,* Deut. 17. 7.

<sup>1</sup> Paul Fagius  
Deutr. 17. 7.

Hence the opinion of <sup>1</sup> R. Akiba is commonly received, that such an Idolater (it holdeth in all others condemned to this death) was reserved untill one of the common feasts, at which *all the multitude of Israel came to Ierusalem.* The partie thus executed being quite dead, was afterward for greater ignominie, hanged on a tree, till towards the *Sunneset*; at which time he and tree were both buried.

<sup>2</sup> Moses Kotsenf.  
loco superius citato

Malefactors adjudged to burning were <sup>4</sup> ten,  
1. *The Priests daughter which committed whoredome.* 2. *He which lieth with his owne daughter.* 3. *Or with his daughters daughter.* 4. *Or with his sonnes daughter.* 5. *Or with his wives daughter.* 6. *Or with her sonnes daughter.* 7. *Or with her daughters daughter.* 8. *Or with his mother in law.*  
9. Or

9. Or with the mother of his mother in law. 10. Or with the mother of his father in law.

The manner of burning was twofold. Some they burnt with wood and faggots; this was termed<sup>1</sup> by them *Combustio corporis*, The burning of the body: Others they burnt by powring in scalding hot Lead, in at their mouths, which decending into their bowells, killed them, the bulke of their body remaining whole, and this was termed therefore *Combustio anime*, The burning of their soule. This last was most in use, and alone described by most of their Writers.

Malefactors condemnaed to beheading, were<sup>m</sup> two sorts. 1. The murderer. 2. Those of any<sup>m</sup> Citie, who were drawne unto Idolatry. The manner thereof is at this day in use.

Malefactors strangled were<sup>n</sup> six. 1. He that<sup>n</sup> smiteth his father or his mother. 2. He that stealeth a soule of Israel. 3. An Elder which contradiceth the Consistory. 4. A false Prophet, and hee that prophesieth in the name of an Idoll. 5. He that lieth with another mans wife. 6. He that abuseth the body of the Priests daughter.

The manner of strangling was thus. The malefactor was put in dung up to the loines, a towel being cast about his necke, which two executioners, one on each side, plucked to and fro untill he was dead.



## CHAP. VIII.

## Punishments not capitall.

**T**He lesser punishments, not capitall, in use among the *Hebrewes*, are chiefly foure.

1. *Imprisonment*. 2. *Restitutio*. 3. *Talio*.  
4. *Scourging*.

*Imprisonment*. Under this are comprehended the prison, stocks, pillorie, chaines, fetters, and the like: all which sorts of punishment, seeing they differ verie little or nothing at all, from those which are now in common use with us, they need no explication.

The *Keepers of the prison*, if they let any committed unto them escape, were liable to the same punishment, which should have beene inflicted on the partie escaped. This is gatherable from that, *1 King. 20. 39. Keepe this man; if by any meanes hee be missing, then shall thy life be for his life.*

Concerning that *Libera Custodia*, which <sup>a</sup> *Drusius* proveth to have beene in use among the *Romans*, I much doubt whether any such custome were in use among the *Hebrewes*. That some kinde of prisoners at *Rome* did goe abroad with a lesser kinde of fetters in the day time to their worke, and so returne at night to their prison, hath elsewhere beene observed by

<sup>a</sup> *Drus. præter.*  
<sup>2</sup> *Tim. 1. 18.*

by mee. And <sup>b</sup> *eadem catena & custodiam & militem copulabis*. The same chaine eyed both the prisoner and the keeper. Observe the unusuall significations of these two words; *Custodia*, a prisoner, and *Miles*, a keeper. So that *Drusus* delivered *Seneca* his meaning, but not his words, when hee repeats them thus: *Eadem catenatam reum quam militem tenet*. Observe further, that the prisoner was tyed by his right arme, and the keeper by the left; because the right arme is the stronger, and therefore justly remaineth free rather to the keeper, than to the prisoner. Hence is that, <sup>c</sup> *Tu forte leviozem in sinistra putas catenam*; Because the keeper tied himselfe unto the same chaine, not in way of punishment, but voluntarily for the satter keeping of the prisoner.

*Restitution*. This was commanded when goods were unjustly gotten; or wrongfully detained, *Exod. 22*. It was <sup>d</sup> threefold:

*Secundum idem, in identitie*, when the very same thing is restored which is wrongfully gotten. <sup>d Thom. Aquin. secunda secunda. q. 62.</sup>

*Restitution* is threefold; *Secundum equale*, when there is so much for so much in quantitie restored; the goods unjustly gotten being sold, or lost.

*Secundum possibile*, when restitution is made according to that which a man hath, not being able to satisfie the whole.

*Restitutio in idem* was and is principally required. Whence it is, that if the theft, whether Oxe or sheepe, were found alive upon a man, he restored but double, *Exod. 22.4.* but if they were killed or sold, then five Oxen were restored for an Oxe, and foure sheepe for a sheepe, *Exod. 22.1.* The Jewes were so precise in this kinde, that if they had built an house with a beame or peece of timber unjustly gotten, they would pull downe the house, and restore the same beame or peece to the owner. From this the Prophet *Habbakuk* doth not much dissent: The stone shall cry out of the wall, and the beame out of the timber shall answer it, *Habbakuk 2.11.*

Among the Jewes hee ought to be sold that was not of sufficient worth to make restitution, *Exod. 12.3.* And *Augustine* saith of Christians, that he which doth not make restitution according to his abilitie, never repented. And, *Nam remittitur peccatum, nisi restituatur ablatum.*

*Talis*. This was a punishment in the same kinde, an eye for an eye, and a tooth for a tooth, hand for hand, and foot for foot, *Deut. 19.21.*

*Talis idem* is, or *Pythagorica*, which was according to the letter of the Law, when the offender was punished with the losse of an eye, for putting out anothers eye, &c. *Talis similitudinis*, or *analogica*, which was when the price of an eye, or some proportionable mulct is payed for an eye, put out, or any other member spoiled.

The

The *Hebrewes* understand *Talis similitudinis*, that the price of a maim should be payed: not *Talis identitatis*, not that the offender should be punished with the like maim. Because to punish like for like in identitie, is in some cases impossible, as if a blinde man put out anothers eye, or one toothlesse strike out anothers tooth.

In case of bodily maimes therefore, the *Hebrew Doctors* say that the partie offending was bound to a fivefold satisfaction, first, for the hurt in the losse of the member. Secondly, for the damage in losse of his labour. Thirdly, for his paine or griefe arising from the wound. Fourthly, for the charge in curing it. Fifthly, for the blemish or deformitie thereby occasioned. *Munster* readeth those five thus, *Dammum, lesio, dolor, medicina, confusio*. The *Romans* likewise had a *Talis* in their Law, but they also gave libertie to the offender, to make choyce whether he would by way of commutation pay a proportionable mulct, or in identitie suffer the like maim in his body.

*Scourging*. This was twofold; either *Virgis* with rods; or *flagellis*, with scourges. This latter was more grievous than the former, as appeareth by that *Ironical speech*; *porcia lex virgas ab omnium circum corpore amovit, hic misericors flagella retulit*. Both were in use among the *Romans*, but onely the latter among the *Hebrewes*. This beating or scourging was commanded, *Deut. 25. 2, 3*. where the number of

stripes was limited, which the *Judge* might not exceed. *Fortie stripes* shall hee cause him to have, and not *past*. The *Jewes* in many things laboured to seeme *holly above the law*. For example, where the Lord commanded a *Sabbath* to be sanctified, they added their *Sabbatum*, that is, they began their *Sabbath* about an houre sooner, and ended about an houre later than the Law required: where the Lord forbade them to eat or drinke things sacrificed to *Idols*, they <sup>1</sup> prohibited all drinking with *Heathens*, because it is doubtfull whether it were offered to *Idols* or no. The Lord commanded them in the time of the *passover* to put away leaven out of their houses, they would not take the <sup>m</sup> name <sup>703</sup> into their mouths all the time of that feast. The Lord commanded them to abstaine from eating *Swines flesh*, they would not so much as name it, but in their common talke <sup>2</sup> would call a *Sow*; דבר חזיר *Dabar achar*, *Another thing*. In like manner, the Lord commanded these malefactors which deserved beating, to bee punished with *fortie stripes*; they in their greatest corrections, would give but *thirte nine*. Of the *Jewes* five times received *fortie stripes* save one, 2 Cor. 11. 24. For this purpose the *scourge* consisted of *three thongs*, so that at each blow hee received *three stripes*, and in their greatest correction were given *thirte one blowes*; that is, *fortie stripes* save one. Whether these thongs were made the one of a *bulls hide*, the other two of an *ass* hide,

• Talmud. lib.  
maacoth, cap. 3.  
in Mischna.



hide, or <sup>p</sup> all three of a calves hide, the mat- <sup>p Baalaturim. vid.</sup>  
ter is not materiall, both opinions have their <sup>Druf.</sup>  
Authors. <sup>a Cor. 10. 24.</sup>

The manner of correcting such was thus.  
The malefactor had both his hands tyed unto  
a post, one cubit and halfe high, so that his bo-  
dy bowed upon it. The Iudge shall cause him to  
bow downe, *Deut. 25. 2.* This post or stake on  
which the malefactor leaned in time of whip-  
ping, was termed *גממוד* *Gnammod*, Columna,  
a pillar. His cloathes were plucked off from  
him downeward unto the thighes, and <sup>p</sup> this <sup>p Talmud. ibid.</sup>  
was done either by renting, or tearing of them.  
The Governours rent Paul and Silas their  
cloathes, and commanded them to be beaten with  
rods, *Acts 16. 22.*

That the Beadle should inflict a number of  
stripes proportionable unto the transgression,  
this correction was performed in the sight of  
the Iudge. The Iudge shall cause him to bee  
beaten before his face, *Deut. 25. 2.* The chiefe <sup>p Talmud. ibid.</sup>  
Iudge of the three, during the time of the cor-  
rection, did either read or recite, *Deut. 28. 58,*  
*59. If thou wilt not heepe, and doe all the words*  
*of this law, &c. Then the Lord will make thy*  
*plagues wonderfull, &c.* The second Iudge hee  
numbred the stripes, and the third hee bade  
the Beadle smite. The chiefe Iudge concluded  
all, saying, *For he being unrepentant, forgave their*  
*iniquities, &c.* *Psal. 78. 38.*

Sometimes in notorious offences to aug-  
ment the paines, they tyed certaine huckle-

Euseb. hist. lib. 4.

Arb. p. 1. lib. 4.

Tholozan. 1. 1. 1.

in univers. lib. 3. 1.

bones or plummets of Lead, or sharp thorbes  
to the end of the thongs, and such scourges  
the Greekes termed ἀσφαλῶντες μάστιγες, *Flagra  
taxillata*. In the Scripture they are termed  
*Scorpions*, My Father hath chastized you with  
rods, but I will correct you with *Scorpions*,  
1. King. 12. 12.

## CHAP. IX.

*Punishments borrowed from other  
Nations.*

**T**HE punishments borrowed from  
other Nations are principally six: 1.  
*Crux*, the death on the Crosse. 2. *Serra  
diffectio*, The cutting one asunder with a saw. 3.  
*Damnatio ad bestias*, The committing one to  
fight for his life with wilde beasts. 4. *Rota*, the  
wheel. 5. *immersio*, drowning one in the sea.  
6. *verberatio*, beating one to death with cudgels.  
The first and the third, were merely Roman  
punishments; the second was likewise used by  
the Romans, but whether originally taken from  
them is doubtfull, the fourth and the last were  
merely Greeke punishments; the fifth was for  
the substance in use among Hebrewes, Greekes,  
and Romans, but in the manner of drowning  
them, they differed. It will bee needfull to  
speake somewhat of all these.

1. *Crux*.

**1. Crux.** This word is sometimes applied to any tree or stake on which a man is tortured to death, but most properly it is applied to a frame of wood consisting of two peeces of timber compacted crosse-wise. The first is termed *Crux simplex*, the last, *Crux compasta*. This latter is threefold. 1. *Decussata*. 2. *Commisa*. 3. *Immissa*.

*Crux decussata.* This was made of two equal peeces of timber obliquely crossing one the other in the middle, after the manner of a Roman X. and thence it is called *decussata*. <sup>a De</sup> *Decussare est per medium secare, Veluti si due regu-* <sup>a Hieron. in Jerem. cap. 31.</sup> *la concurrant ad speciem literæ X. quæ figura est crucis.* This kinde of crosse is by the common people termed *Crux Andraena*, Saint Andrewes crosse, because on such an one he is reported to have beene crucified.

*Crux commisa.* This was when a peece of timber erected, was joyned in the middle to a traverse or overthwart top, somewhat shorter than the peece erect, in manner of a Roman T. This is called *Crux Antoniana*, Saint Anthony his crosse, because hee is often painted with such a Crosse.

*Crux immissa.* This was when a short traverse somewhat obliquely crossed the stake erect, not quite in the middle, as *Crux decussata*, nor quite on the top, as *Crux commisa*, but neare the top in this mannert. <sup>a Lippinus de cruce lib. 1. cap. 10.</sup> This is thought to have beene *Crux Christi*, the Crosse on which our Saviour Christ suffered.

The ceremonies used by the Romans towards those

<sup>c</sup> Ioseph. excid.

lib. 7. cap. 32.

Philo contra Flac-

cum. It. Liv. lib. 1.

<sup>d</sup> Plut. Bacch.

those whom they crucified were these: First, they <sup>c</sup>scourged them, and sometimes tied them to a pillar in time of scourging. Artemidorus is cleere in this, *αγορεύει οὕτως, πολλὰς ἡμέρας πονεῖν*. That is, being tyed to the pillar hee received many stripes. <sup>d</sup> *Plautus is thought to have alluded to the same:*

——— *Abducite hunc*

*Intrò, atque adstringite ad columnam fortiter.*

<sup>e</sup> Prudentius:

Hieronym. Beda

vid. Lpf. de cruce.

lib. 2. cap. 4.

The ancient Fathers report that our Saviour was whipt thus *ad columnam*, but the Scripture is silent, both touching the place & manner of his whipping, onely that he was whipt is testified. Hee scourged Iesw, and delivered him to be crucified, Mat. 27. 26.

<sup>f</sup> Plutarch. de sera owne Crosse.

<sup>g</sup> *Malefici cum ad supplicium edu-*

*cuntur, quisque suam effert crucem.* Thus Christ bore his owne Crosse, Ioh. 19. 17. To this there is allusion, *He that taketh not his Crosse, and followeth after me, is not worthy of me*, Mat. 10. 38.

<sup>h</sup> Euseb. Ecclef.

hist. lib. 5. cap. 1.

It. Sueton. Domit.

cap. 10.

Thirdly, that the equitie of the proceeding might clearely appeare, the cause of the punishment was written in a Table, and so carried before the condemned person, or else it was proclaimed by a publique Cryer. This cause was termed by the Romans commonly *Titulus*, by <sup>h</sup> some it is called *Elogium*. Thus Pilat wrote in Hebrew, Greeke, and Latine, Iesw of Nazaret the King of the Iewes.

<sup>i</sup> Tertullian Apo-

log. cap. 2. Sueton.

in Calig.

<sup>j</sup> Artemidor. lib. 2.

38.

Fourthly, they <sup>i</sup> pluckt off their cloathes from such as were to be crucified. Thus Christ suffered naked.

Serra

*Serrâ diffectio*, a sawing one in sunder; They saw-  
ed them from the head downward. The <sup>1</sup> Romans <sup>1</sup> Suetonius Calig.  
they used this kind of punishment, so likewise did <sup>cap. 27.</sup>  
the Hebrews. Thus *Manasses* is thought to have pu-  
nished the Prophet *Esaiah*, and the Apostle to have al-  
luded unto it. They were sawne asunder, Heb. 11. 37.

*Damnatio ad bestias*. Those who were condem-  
ned to wild beasts, are properly termed *Bestiarii*.  
Whether Saint Paul did according to the letter,  
fight with beasts at *Ephesus*, 1 Cor. 15. 32. is much  
controversed. <sup>1</sup> Some understand by beasts, *Deme-*  
*trius*, and others that opposed him at *Ephesus*, <sup>1</sup> *Beophilast.*  
others more probably understand the words *literat-* <sup>Aufelm.</sup>  
*ly*; and this kinde of punishment was commonly <sup>1</sup> *Chrysostom.*  
exercised against *Christians* in the *Primitive Church*, <sup>Ambrosius.</sup>  
in so much, that *Heathens* imputing the cause of all  
publike calamities unto the *Christians*, would call  
out; <sup>1</sup> *Christianos ad Leones*, Let the *Christians* be  
*haled to Lions*: Yea the literall interpretation of  
the words, is a stronger argument that Saint Paul  
beleev'd the Resurrection (which is the scope of  
the text) than to understand the words of a meta-  
phorick fight, against the enemies of his doctrine.

*Troçis, The wheele*: A wise King bringeth the wheele  
over the wicked, Prov. 20. 26. I take the words to  
imply no more but this, That, as the wheele turneth  
round, so by the wisdom of a King the mischief in-  
tended by wicked men, is brought upon their owne  
head. That hereby should be understood, the grin-  
ding of wicked men under a cart-wheele, as the  
husbandman brake some sort of graine under a  
wheele, is the meere conceit of Expositors on this  
place, for no Records make mention of any such



punishment in use among the *Jews*. Among the *Greekes* there was a punishment went under this name: • It was called *ῥόλος*, *A wheele*, not because a wheele was brought over the wicked, but because they bound fast the offender to the spokes of a wheele, and there scourged him to enforce a confession.

• Ἐν τῷ ῥόλῳ  
ἐλάσσο μαστίγιμ.  
• Aristob. in  
1. en. De eadem pa-  
ra loquitur De-  
mosth. 1. in Aphob.  
• Suid. 2.

• Senec. lib. 5. con-  
trov. 4. Juvenal.  
Satyr. 8. Modestus  
Dig. lib. 1. 48. ad so-  
gem Pompei de par-  
ric. vid. Cal. Rhod.  
l. 11. cap. 21.  
• Atheraeus lib. 14.

*Kαλάνωσις*, *Drowning one in the Sea*. This was in use among many nations, but the manner differed. The *Romans* they sowed up a paricide into a leather budget, sowing up together with him into the same budget, *A Serpent, a Cocke, and an Ape*, and so cast them all into the Sea. The *Grecians* when they judged any to this kinde of punishment, they wrapt him up in Lead. The *Hebrenes* tied a milstone about his necke. Thus in respect of the manner, those are to be understood, who say this kind of punishment was peculiar to the *Jews*.

• Hier. Mat. 18. 6.

*Τυμπατισμός*. It is rendred by the generall name of *torturing*, Heb. 11. 35. 2 Mac. 6. 19. But the word signifieth a speciall kind of torturing, by beating one with cudgels unto death. It hath its denomination from *τύμπαρος*, which signifieth a *drumme* usually, and hence some have paralleld this torture with that among the *Romans* termed *Equuleus*, as if the person thus tortured, were rackt and stretched out in manner of a *drumme head*: but it signifieth also a *drum-sticke*, and thence cometh the punishment to be termed *Timpanismus*, that is, *atabring or beating one to death with cudgels*, as if it were with *drum-sticks*. This is evident by *Eleazar*; Hee came willingly ἐν τῷ τυμπαρίῳ, to this kinde of torment, 2 Maccab. 6. 19. and in the thirtieth verse, where hee gave up the Ghost, there is mention

• Magius in lib. de  
Equulo. vid. Druf.  
praetor. lib. 8.

• Soboliasies Ari-  
stophanus τυμπα-  
ρισμὸς ἐστὶν ἑλὼ-  
θῆς τυμπαρίῳ ἐν  
τῷ τυμπαρίῳ  
οἱ τυμπαρίῳ ἐν  
Πλουτάρχ. 50.

*Punishments borrowed from other nations.* L I B. 5. 235  
 mention of his strokes, not of his racking or stretching.

*Iunius* reckoneth <sup>a</sup> another kinde of punishment, <sup>a</sup> *Iunius* 127.29.  
 termed by the Hebrews תִּסְנוֹק, *Tsinok*, which hee <sup>26.</sup>  
 would have to bee a compound word: doubtlesse  
 his meaning is that it should be compounded of תִּסְ, *Tsi*,  
*Navis*, a ship or boat; and יָנָק, *Ianak*, *Sugere*,  
*To sucke*, for hee saith that thereby is meant a cer-  
 taine punishment termed *Navicula sugentis*, which  
<sup>a</sup> *Plutarch* describeth in this manner; That the of- <sup>a</sup> *Plutarch* in *Ar-*  
 fender should be inclosed betweene two boats as in a pri- <sup>taxene.</sup>  
 son, or as his phrase is (*quasi in vagina*) as in a sheath, and  
 to preserve life in him, milk and hony tempered together,  
 was forcibly put into his mouth whether he would or no.  
 And hence, from this sucking in of milk and hony, this  
 punishment hath beene termed *Navicula sugentis*.  
 But the Hebrews say that *Tsinok* was nothing else  
 but manacles, or cords, wherewith prisoners  
 hands were tied. I leave it indifferent to  
 the Reader, to follow which  
 interpretation he  
 please.

תִּסְנוֹק  
 תִּסְנוֹק

*Instrumentum*  
*confirmans ma-*  
*nus.*  
*D. Kimchi* 127.29.  
 26.

Hh 2

THE

...of his ... or his ...

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# THE SIXTH BOOKE

OF

## Miscellaneous Rites.

### CHAP. I.

#### Of Circumcision.

**T**Heir Sacraments were two. First, The *Passover*, of which there hath beene a set chapter. Secondly, *Circumcision*, of which now.

*Circumcision*, was a cutting off of the foreskin, as a signe and seale of Gods Covenant, made with the people of the *Jews*. It is called a *signe* by God in its first institution, *Genes. 17.* and a *seale* by the *Apostle, Rom. 4. 11.* Yea, it is called a *signe* and a *seale*, by a *Doctor* - *Zohar. Gen. 17.* of the *Jews*, more ancient than their *Talmud*.

It was used (though not as a *Sacrament*) by many other.

<sup>b</sup> Alex. ab Alex.  
lib. 2. cap. 25. He-  
rodot. l. 1. Diodor-  
Sicul. lib. 2. cap. 2.  
It. lib. 4. cap. 3.

other nations: <sup>b</sup> by the inhabitants of *Colchis*, the *Ethiopians*, the *Troglodites*, and the *Egyptians*.

In a figurative sense alluding unto this sacrament, *all rise*, wee read of three other sorts of Circumcision in the *Scripture*, so that in all there are foure mentioned, 1. *This of the flesh*. 2. *Another of the heart*. 3. *A third of the lips*. 4. And a fourth of the *eares*. We are to consider it in its proper acception, and here to observe, First, the *time when* it was administered. Secondly, the *manner how*. Thirdly, the *penaltie in case it was omitted*.

The time was the *eighth day*, yea the *eighth day* was so precisely observed, that if it fell on the *Sabbath*, yet they circumcised the childe; whence arose that saying among them; *Circumcisio pellit Sabbatum*, Circumcision driveth away the Sabbath; or, the Sabbath giveth place to Circumcision. And with this accordeth that of our Saviour, *Yee on the Sabbath day circumcise a man*, *Ioh. 7. 22*. The *Iewes* superstitiously conceiting that each creatures perfection depended upon the sanctification of one Sabbath day at least, say that God did therefore injoyne the *eighth day*, that one Sabbath might first passe over each male, before he should be partaker of this Sacrament. But more probably we may say, that the reasons why God would not suffer them to anticipate the *eighth day*, were, first to shew, that God in the matter of salvation, neither was, nor is simplified to Sacraments, for then there had beene no lesse crueltie in forbidding Circumcision untill the *eighth day*, than there was love in permitting it upon the *eighth*. Secondly, because in this time of the *Mosaicall pedagogie*, there was a kinde of legall uncleannesse,



cleannesse, in which the creatures were thought to bee, as remaining in their blood, for the first seven dayes after their birth, *Levit. 22. 27. It. 12. 2, 3*. Notwithstanding God thought it not convenient to deferre it longer than eight dayes, for the comfort of the parents, which they received by a mature and seasonable initiation of their children.

The manner how circumcision was administred, I finde thus recorded; Some of those that were present held a vessell full of dust, into which they did cast the foreskinne being cut off. *Againe*, they prepared in the roome, a certaine void chaire for *Elias*; which was done, partly in honour of him, for which respect also, as often as they fell on any difficult place in Scripture, they would say, *Veneriet Elias, & omnia enodabit; wee know that Elias will come, and hee will tell us all things*: but chiefly it was done because they thought *Elias* to bee present there in spirit, whose bodily comming they did, and doe daily expect. These ceremonies are meerly Jewish, practised by the latter Jews, but utterly unknowne in our Saviour Christ his time, and as it appeareth by the Samaritan woman her speech, that proverbiall saying applyed now unto *Elias*, was of old applyed to Christ, *Joh. 4. 25*. Thirdly, he which supplied the place of the witnessse, or as we phrase it, of the Godfather, held the child in his armes whiles it was circumcised: this Godfather they called *Batal Berith*, and *Sandak*, that is, the Master of the Covenant. *Uriah* the Priest, and *Zachariah* the sonne of *Ieberechiah*, are thought to have bene Godfathers at the circumcision of *Ma-*  
*her Shalal-hash-baz*, *Es. 8. 2*. and from them the cus-

*Paul. 1. 2. 23. 24.*

*10.*

*Christoph. Cast. in Malac. 6. 3.*

*Mercerna in ab breviaturis.*

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some of having *Godfathers* in *Baptisme*, to have taken its original. *Fourthly*, The parents named the childe, and in *Zacharies* time, it seemeth that in the naming of the infant, they had respect to some name of his ancestors. *They said unto her, there is none of thy kindred that is named with this name, Luke*

*1. 61.* Other nations, had their set daies also after the birth, for the naming of their children. <sup>b</sup> The *Romans* gave names to their male children on the ninth day, to the female on the eighth. The *Athenians* gave names on the tenth. <sup>k</sup> Others on the seventh. These <sup>l</sup> dayes *Tertullian* calleth *Nominalia*. The *Grecians* besides the tenth day on which they named the childe, they observed also the fifth, <sup>m</sup> on which day the midwives tooke the childe, and ranne about a fire made for the purpose, using that ceremonie as a purification of themselves and the childe; on this day the neighbours also sent in gifts, or small tokens; *Munera Natalitia*; <sup>n</sup> from which custome, that among *Christians* of the *Godfathers* sending gifts to the baptised infant, is thought to have flowne. But to returne againe to the rites of the *Jewes*. After the childe had beene circumcised, the father said; <sup>o</sup> Blessed bee our Lord God, who hath sanctified us with his precepts, and hath commanded us, that wee should cause this childe to enter into the Covenant of *Abraham*. After this, the whole Church or companie present replied in this manner; <sup>p</sup> *As thou hast made him to enter into the Covenant, so make him also to enter into the Law, into Matrimonie, and into good works.*

The Penaltie for the omission of Circumcision runneth

<sup>b</sup> Plutarch, prob.

<sup>102.</sup> Macrob. Sat. lib. 1. cap. 6.

<sup>1</sup> Cui. Rhodig. lib.

<sup>27.</sup> cap. 12.

<sup>k</sup> Arist. hist. anim. lib. 7. cap. 12.

<sup>l</sup> Tertul. de Idol. cap. 16.

<sup>m</sup> Scholiast. Aristoph. in Lysistrat.

p. 886. It. Suidas in αμυστολογία.

<sup>n</sup> Stupinus de cons. viro. lib. 1. cap. 16.

<sup>o</sup> אברהם

בכורו

של אברהם

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runneth in this forme; *That soule shall be cut off from his people, Gen. 17. 14.* I understand the penaltie to bee pronounced against such an omission, which proceeded either from contempt, or wilfull neglect. In this case, the question is, what is meant by this phrase? *His soule shall be cut off from the people*: secondly, *who ought thus to be punished*? Whether the childe, or the parents, and such who supply the place of parents? For the first, besides Gods secret action in punishing such delinquents, mee thinks there is a rule of direction for the Church, how to proceed against such in her discipline: if any understand here, by cutting off such a mans soule from his people, the sentence of Excommunication, or casting him out of the Synagogue, I shall not oppose it; though I rather incline to those, who understand hereby a bodily death inflicted upon such an offender, in which sense the phrase is taken, *Exod. 31. 14. whosoever doth any worke in the Sabbath, that soule shall be cut off from among his people.* And it is very remarkable, that when *Moses* his childe was uncircumcised, the Lord sought to kill *Moses*: which, as it intimateth the punishment for this fault to bee a bodily death: so it cleerely evinceth, that not the childe till hee cometh to yeeres of discretion, but the parents were lyable to the punishment. The opinion of the *Rabbines* concerning this latter point, is thus delivered: *¶ If the Father circumcise him not, then the Iudges are commanded to circumcise him, and if it bee unknowne to the Iudges, and they circumcise him not, when he is waxen great, he is bound to circumcise himselfe, and every day that passeth over him, after hee is waxen great, and hee circumciseth not himselfe,*

¶ *Moses Kois. tractat. circumcis. fol. 114. col. 4.*

LIB. 6. *Their first fruits, and firstlings, &c.*  
*selfe, loe he breaketh the Commandement.*

Here it may be demanded, how it is possible for a man, after once hee hath beene marked with the signe of *Circumcision*, to blot out that character, and become *uncircumcised*? for thus some *Jewes* for feare of *Antiochus*, made themselves *uncircumcised*, 1 *Mac.* 1. 16. Others for shame, after they were gained to the knowledge of *Christ*, and to the entertainment of the *Christian faith*, *uncircumcised themselves*, 1 *Cor.* 7. 18. The answer is, that this was done by drawing up the foreskinne with a Chirurgion his instrument; and unto this, the *Apostle* in the fore-quoted place alludeth, *ἐν σκελετῷ, Ne attrahat præputium.* This wicked invention is ascribed unto *Esau*, as the first *Author*, and practiser thereof.

Epiphan. lib. de  
 mens. & pond. pag.  
 415. 14. Celsus l. 7.  
 cap. 25.

## CHAP. II.

*Of their first fruits, and their firstlings,  
 or first-borne.*

**T**He use and end of their first fruits, was that the *after fruits* might bee consecrated in them. To this purpose they were enjoined to offer the first fruits of their trees, which served for food, *Levit.* 19. 23. 24. In which this order was observed; the three first yeares after the tree had beene planted, the fruits were counted *uncircumcised*, and *uncleane*: it was unlawfull to eat them, sell them, or make any benefite of them: on the fourth yeare, they were accounted *holy*, that is, either they were

יהבתי  
 יאכלנו

Sacerdos ea com-  
 debat. Aben. Ezra  
 in hunc locum.

were given to the Priests, Num. 18. 12, 13. or the owners did eat them before the Lord at Ierusalem, as they did their *second tithe* : and this <sup>b</sup> latter is the common opinion of the Hebrewes. After the fourth year, they returned to the use of the owner : we may call these *עֲשׂוֹת הַפְּרִי*, simply the first fruits.

<sup>b</sup> Talmud Bab. in  
Magna Sh. r. Suci.  
cap. I.

Secondly, they were enjoined to pay yearly the first fruits of every yeares increase, and these wee may call *אֲשֵׁרֵי*, and of them there were many sorts. First, first fruits in the sheafe, Levit. 23. 10. Secondly, first fruits in two wave loaves, Levit. 23. 17. These two bounded their harvest, that in the sheafe was offered in the beginning of harvest, upon the fifteenth of Nisan, the other of the loaves at the end, upon their Pentecost : and Levit. 23. they are both called *תְּנוּפָה* Thenuphah, that is, shake offerings. Thirdly, there was a first of the dough, Num. 15. 20. namely, a <sup>c</sup> foure and twentieth part thereof, given unto the Priests : which kinde of offering was observed, even when they were returned out of Babylon, Nehem. 10. 37. unto this Saint Paul hath reference, Rom. 11. 16. If the first fruit be holy, the lump is also holy. Fourthly, they were to pay unto the Priests, the first fruits of the threshing-floore, Numb. 15. 20. These two last are called *תְּרוּמֹת* Therumoth, that is, heave-offerings ; this the heave-offering of the threshing-floore ; the other, the heave-offering of the dough, Num. 15. 20. Under the name of first fruits, commonly Authors treat of no other, but this last, and wholly omit all the former sorts : before wee proceed to the explaining of the last, note with mee the difference of these two words, *Thenuphah*, and *Therumoth* ; both signifie shake-

ואר בן  
עשרין  
וארבעה  
נחמ. 10. 37.



<sup>c</sup> P. Fag. in pentat. offerings, heave-offerings, or wave-offerings, but with this difference; <sup>d</sup> The *Therumoth*, was by a waving of elevation, lifting the oblation upward and downward, to signifie that God was Lord both of heaven and earth. The *Thenuphoth*, was by a waving of agitation, waving it to and fro, from the right hand to the left, from the East to the West, from the North to the South: by which kind of agitation, they acknowledged God to be Lord of the whole world. Now, that we may know what these *first fruits of the threshing-floore* were, the Rabbies, and others following them, distinguish them into two sorts: the first of these, was *first fruits* of seven things onely; 1. *wheat*. 2. *Barley*. 3. *Grapes*. 4. *Figges*. 5. *Pomegranets*. 6. *Olives*. 7. *Dates*. For all which, the Promised Land is commended, *Deut. 8. 8.* <sup>e</sup> These the *Talmudists* terme בִּכּוּרִים *Biccurim*; and when they treat of *first fruits*, they treat of them under this name, and understand by the name of *Biccurim* no other. These, they say, are the *first fruits*, which the people are so often in the Law commanded to bring up unto the *Sanctuarie*, at the feast of *Pentecost*, which was the end and closure of their harvest, as was signified both by this oblation, and likewise by that of the *two wave loaves*, *Levit. 23. 17.*

The second, was paid of *Corne*, *wine*, *Oyle*, and the *Fleece*, *Deut. 18. 4.* *Numb. 18. 12.* yea of all things else that the earth brought forth for mans food. Thus their *Dollors* are to bee understood, where they say, <sup>f</sup> *Quicquid eduliorum ex terra incrementum capit, obnoxium est primitiis, Theruma, & decimis.* This they call, תְּרומָה *Theruma*, an *heave-offering*,

<sup>e</sup> Moses Egypt. in  
Iud. part. 3. tract. de  
*Therumoth*. cap. 2.

<sup>f</sup> *Theruma*, an

ring, the Greeke renders it, ἀφορίζω, A ſeparation, becauſe this was a conſecration, or ſetting apart of the Lords portion. In alluſion unto this, I take Saint Paul to have termed himſelfe ἀφορίζων εἰς εὐαγγέλιον, ſeparated unto the Goſpell, Rom. 1. 1. ἀφορίζω Ααρὼν, Aaron ſhall ſeparate the Levites, ſo the Greeke renders it, but the Originall is, Aaron ſhall wave the Levites, Numb. 8. 11. Againe, ἀφορίζω, Separate mee Barnabas and Saul, Acts 13. 2. Drufius delivereth another reaſon, as hath beene ſaid in the Chapter of the Pharifees. But to proceed: the Hebrewes called this ſecond payment, not only *Theruma* ſimply, but ſometimes *Theruma gedola*, the great heave-offering, in compariſon of that *Tithe* which the Levites payed unto the Priests: for that was termed *Theruma magnaſher*, the heave-offering of the *Tithe*, Numb. 18. 26. which, though it were one of ten, in reſpect of that portion which the Levites received; yet it was but one of an hundred, in reſpect of the Husband mans ſtocke, who payed the Levites: and thus was it a great deale leſſe, than the great heave-offering, as will preſently appeare. This (the Hebrews ſay) the owners were not bound to bring up to *Jeruſalem*.

תרומה גדולה  
תרומה

The Law preſcribed no ſet quantitie to be paid, either in the *Biccurim*, or in the *Theruma*; but by tradition, they were taught to pay at leaſt the ſixtieth part in both, even in thoſe ſeven things, alſo paid under the name of *Biccurim*, or *firſt fruits*, as well as in their heave-offering termed *Theruma*, or *Theruma gedola*.

Thus the *Talmudiſts* doe diſtinguiſh the *Biccurim*, from the *Theruma gedola*, but in my opinion the

L. I. B. 6. *Their first fruits, and firstlings, &c.*

the *Biccurim* may bee contained under *Theruma gedola*, and in truth, both of them are nothing else but the *heave-offering of the flore*, formerly mentioned out of *Num. 15. 20.* My reasons are these; 1. *Scripture* giveth no such leave to keepe any part of their *first fruits* at home; if that could be proved, the distinction were warrantable 2. *Scripture* doth not limit *first fruits* unto those *seven kinds*, which alone goe under the name of *Biccurim*. 3. *Themselves* confound both members; for in their *Biccurim*, they say, they paid, 1. *Wheat.* 2. *Barley.* In their *Theruma*, they say, they paid *corne*; as if under *corne*, *wheat* and *barley* were not contained. Some may say they paid their *Biccurim* in the *ear*, whiles the harvest was yet standing: and their *Theruma* in *wheat* and *barley* ready threshed and winnowed. My reasons why it cannot be so are these. 1. Because then they should pay *twice a sixtieth part* in their *corne*. 2. Because the *corne* offered in the sheafe was but a little quantitie, and it was offered, not at their *Pentecost* when their harvest ended, but at their *Passover* when their harvest began, *Levit. 23. 10.* Whereas their *Biccurim* or *first fruits* were alwaies offered at their *Pentecost*.

But omitting further proofes, I proceed to shew the ground, why in this *heave-offering of the flore*, at least a *sixtieth part* was prescribed: it is grounded upon that of the *Prophet Ezekiel*, This is the oblation that yee shall offer, the *sixth part of an Ephah out of an Homer*, *Ezek. 45. 13.* that is, the *sixtieth part of the whole*, because an *Homer* containeth ten *Ephabs*. Hence they took that distinction of these offerings. \* Some, they say, gave the *fortieth part* of

\* *Solom. Iarobi.*  
*Deut. 18. 4.* Item  
*Hieronym. in E-*  
*zek. 45. fol. 260.*

of their increase : this, because it was the greatest quantity given in this kind of oblations, they termed, <sup>1</sup> *Theruma oculi boni*, The oblation of a faire eye : others (though they were not so liberall as the former, yet that they might not be reputed niggardly) gave a *ffiftieth part*, and this they termed <sup>1</sup> *Theruma mediana*, the oblation of a middle eye : others, whom they reputed fordid, gave just a *fixtieth part*, lesse than which they could not give, this they termed, <sup>1</sup> *Theruma oculi mali*, the oblation of an evill eye ; so that the payment of these was bounded by the tradition of the Elders, between the *fixtieth* and the *fortieth part* : but the <sup>1</sup> Pharisees that they might be holy above others, made their bounds the *ffiftieth* and the *thirtieth part* ; so that he was reputed fordid with them that paid the *ffiftieth part* ; and none liberall, except he paid the *thirtieth*. The manner how these first fruits termed *Biccurim* were paid, is at large set downe *Deut. 26*. But in time of the Prophets other ceremonies seeme to have beene received, of which the Hebrew Doctors say thus : <sup>m</sup> when they carried up their first fruits, all the Cities that were in a County, gathered together to the Chief Citie of the Countie, to the end that they might not goe up alone ; for it is said, In the multitude of people is the Kings honour, *Prov. 14. 28*. And they came and lodged all night in the streets of the Citie, and went not into houses for feare of pollution : and in the morning the Governor said, Arise, and let us goe up to Zion, the Citie of the Lord our God. And before them went a Bull which had his hornes covered with Gold, and an olive Garland on his head, to signifie the first fruits of the seven kinds of fruits. There was likewise a pipe strooke up before

תרומה  
עין יפה  
*Theruma gnaïn*  
*Jopha.*

תרומה  
בינונית  
*Theruma*  
*bcnonith.*

תרומה  
עין רעה  
*Theruma gnaïn*  
*ragna.*

<sup>1</sup> Epiphanius, contr,  
Pharis pag. 11.

<sup>m</sup> Maimonid in  
*Biccurim. cap 4.*  
*sect. 16.*

*L. 13. 6. Their firstfruits, and firstlings, &c.*

*before them, untill they came neere to Ierusalem, and all the way as they went, they sang, I rejoyced in them that said unto mee, we will goe into the house of the Lord, &c. Psalm. 122. Unto this, and other like manner of solemne assemblies, the Prophet hath reference, saying, yee shall have a song as in a night when an holy solemnitie is kept, and gladnesse of heart, as when one goeth with a pipe to come unto the mountaine of the Lord, Esa. 30. 29.*

The firstlings, or first-borne of man and beast, the Lord challenged as his owne, *Exod. 13.* The ground of this Law was, because God smote all the first-borne in Egypt from man to beast, but spared the Israelites; for a perpetuall memorie of which benefit, he commanded them to sanctifie all their first-borne males unto him. Now the first-borne of men, and unclean beasts, were redeemed for five silver shekels of the Sanctuary, paid unto the Priests for each of them, *Numb. 18. 15, 16.* Unto this Saint Peter aludeth, saying, *wee are not redeemed with corruptible things, as silver and gold, 1 Pet. 1. 18.* The firstlings of cleane beasts ought to bee sacrificed, their blood to be sprinkled on the Altar, their fat to be burnt for a burnt offering, and their flesh to returne to the Priests.

Observe how God would bee honoured by the firstlings of men and cattell; by the first fruits of trees, and of the earth, in the sheafe, in the threshing-floore, in the dough, in the loaves; All which teach us to consecrate the first and prime of our yeares unto the Lord.



CHAP. III.

Of Tithes.

**W**E are here to enquire, *First*, what things in generall were tithable: *Secondly*, how many kinde of tithes there were: *Thirdly*, the time when each sort of tithes began to be tithable.

*First*, their yearely encrease, was either *cereals*, *fruits of the trees*, or *fruits of the land*, of all these they payed tithes, even to mint, anise, and cummin. *These things they ought not to leave undone*, *March 23. 23.*

*vid. Sixim. A. mama de decimis.*

*Secondly*, the *sorts of tithes*, payed out of the fruits, both of the trees, and the land, by the Husbandman, were two, payed in this manner: When the Harvest had beene ended; and all gathered, then the Husbandman laid aside his *great Tithes*, otherwise called the *first fruits of his threshing-floor*, of which it hath beene spoken in the *Chapter of first fruits*. This being done, then out of the remainder he paid a *tenth part* unto the *Levites*, and this they termed \* *Magnashe rischon*, the *first tithes*, *Tob. 1. 7.* this was alwayes payed in kinde, and as it seemeth to mee, it was not brought up to *Ierusalem* by the Husbandman, (others thinke otherwise) but payed unto the *Levites* in the severall Cities of tillage, *Nehem. 10. 37.* out of this *first tithes*, the *Levites* paid a *tenth portion* unto the *Priests*, this they termed \* *Magnashe min ham-magnashe*, the

*דמית*  
*דמית*  
*Decime prima*  
*necessario out a*  
*colonois p'one ejus*  
*vicario Hierosoly-*  
*mas deportando e-*  
*ranti Sixim. Ama-*  
*ma de decimis.*  
*דמית*  
*דמית*

Kk

tithes

*tithe of the Tithes, Neh. 10. 38. and Decima sanctitatum, the tithe of holy things, 2 Chron. 31. 6. this the Levites brought up to the house of God, Nehem. 10. 38. When the Levites had paid this tenth portion unto the Priests, then the Levites and their families might eat the remainder of the first tithe, in any place, even out of Jerusalem, Num. 18. 31.*

*This first Tithe being payed, the Husbandman payed out of that which remained a second Tithe; this the Husbandman might pay in kinde if hee pleased, or if hee would, hee might by way of commutation pay the worth thereof in money; but when hee payed in money, hee added a fifth part, so that what in kinde was ten in the hundred, that changed into money, was twelve in the hundred. This the Husbandman brought up unto Jerusalem, and made a kinde of Love-feast therewith, unto which he invited the Priests and Levites, onely everie third yeare hee carried it not to Jerusalem, but spent it at home within his owne gates, upon the Levites, the fatherlesse, the widdowes, and the poore, Deut. 14. 18.*

*They reckoned their third yeare from the Sabbaticall yeare, on which the Land rested; so that the first and second Tithe was payed by the Husbandman, the first, second, fourth, and fifth yeares after the Sabbaticall yeare; but upon the third & sixth yeares, onely the first Tithe was payed to the Levites, and the second was spent at home. Hence in respect of the kinde, this is called <sup>a</sup> Magnasber scheni, the second tithe, Tob. 1. 7. in respect it was payed to the poore everie third yeare, it is called <sup>c</sup> Magnasber gani, <sup>b</sup> Magnasber, the poore mans tithes, and <sup>d</sup> Magnasber schelisch, the third tithe, Tob. 1. 1. On those yeares.*

*Moses Kotsens.  
tract. de decima  
secunda, fol. 199.*

*מגן  
שני  
מגן  
שני  
מגן  
שני  
מגן  
שני*

yeares on which it was carried up to *Jerusalem*, it ought of necessitie to be eaten within the court of the Temple, *Deut. 14. 26.* and by the *third tith* wee are to understand the *poore mans tith* on the *third yeare*, which yeare is termed an *yeare of tithes*, *Deut. 26. 12.*

They likewise tithed their cattell. Of their bullocks; and their sheepe, and all that passed under the rod, the tenth was holy to the Lord, *Levit. 27. 32.* Some Expositors understand by this phrase of *passing under the rod*, that all cattell are *tithable* which live under the custody of a keeper, as if there were allusion to the shepherds staffe, or keepers rod which they use in keeping their cattell. The *Hebrewes* more probably understand hereby, the manner of their decimation or tithing their cattell, which was as followeth. <sup>d</sup> *Hee* that hath lambs (or bullocks) thus separateth his tenth, hee gathereth all his lambs, and all his bullocks into a fold, to which he maketh a little doore, that two cannot goe forth together; their dums are placed without the doore, to the end, that the lambs hearing them bleating, might goe forth one after another in order. Then one be- ginneth to number with his rod, one, two, three, &c. and the tenth which commeth forth, whether it be male or fe- male, perfect or blemished, hee marketh it with a red marke, saying, *This is for tith*. At this day the *Iewes* though they are not in their owne Contrey, neither have any *Leuiticall Priesthood*, yet those who will be reputed religious among them, doe distribute in lieu of Tithes, the tenth of their increase unto the poore, being perswaded, that God doth blesse their estates the more: for their usuall proverb is, <sup>e</sup> *The- gnasser; bishbil sche thegnasser*; that is, *Pay tithes that thou mayest be rich.*

<sup>d</sup> Solomon Iarchi,  
Levit. 27. 32. &  
Maimonid. de pri-  
mogenit. c. 7. §. 1. 5.

העשר  
בשביל  
שהעשר

*Talmud tract. de  
novo anno ad iu-  
ritium Buxtorf. Sy-  
mag. Iud. cap. 11.  
et Mosi's Kolofen.  
in praecept. affirm.  
136.*

The time of the year from which they reckoned tithes, was difference. For *heast* they counted the year from *Elul* to *Elul*; that is, from *August* to *August*; & for *graine, pulse, and herbs*, from *Tisri* to *Tisri*, that is, from *September* to *September*: for the *fruits of trees*, from *Schebat* to *Schebat*, that is, from *January* to *January*.

In this *Synopsis* following (which *Sixtinus Amana* hath taken out of *Sealiger*) the manner of *Israels* tithing is set downe.

6000.	Busshels in one year.
100.	Busshels was the least that could be paid by the Husbandman to the Priests; for the first fruits of the threshing floore.
5900.	Busshels remained to the husbandman, out of which he payed two Tithes.
590.	Busshels were the first tithe to the Levites.
59.	Busshels the Levites paid the Priests, which was called the <i>tithe of the tithes</i> .
5310.	Busshels remained to the Husbandman, out of which hee payed his second tithe.
531.	Busshels were the second tithe.
4779.	Busshels remained to the Husbandman as his owne, all being payed.

Busshels

1131 Bushels are the summe of both Tithes joyned together, which is above a sixth part of the whole, namely, *nineteene* out of an hundred.

Wee are to know moreover, that through the corruption of the times, in time of *Hezekiahs* reigne, Tithes began generally to be neglected, in so much that then *Overseers* were appointed to looke to the true payment thereof, *2 Chron. 31. 13.* Notwithstanding, partly through the negligence of the *Overseers*, partly through the covetousnesse of the people, about one hundred thirtie yeares before our *Saviours Incarnation*, corruption so prevailed, that the people in a manner neglected all tithes, yea none or verie few payed, either their *first*, *second*, or *poore mans tithes*, only they payd the *great heave-offering* justly. For this reason, (saith *Moses Kotsens*;) in the *Moses Kotsens, Fol. 197. col. 3.* dayes of *Iohn the Priest*, who succeeded *Simeon the just*, (I take it he meaneth *Johannes Hyrcanus*) their great Court termed their *Sanhedrim*, made a decree that more faithfull *Overseers* should bee appointed for the tithes. At this time many things became questionable, whether they were tithable or no; whence the high Court of their *Sanhedrim* decreed, that in the things doubtful (which they termed *דמאי* *Demai*) though they paid neither *first*, nor *poore mans tithes*, yet they paid a *second tithes*, and a *small heave-offering*; namely, *אחד מן המאה* *One part of an hundred*: *אמר, ארבעה ושלשים* *four and thirtie*, seemeth to have bene of these doubtful things, in which, though



the decree of their *Sanhedrim* required but *one* in the hundred, yet the *Pharises* would pay a just tenth, *Matth. 23. 23.* and hence it is, that they boasted, *They gave tithes of all that they possessed, Luk. 18. 12.* In which they outstripped the other *Jewes*, who in these payments, tooke the libertie granted them by the *Sanhedrim*.

## CHAP. IV.

## Of their Marriages.

**I**N this Chapter of their Marriages, wee are to consider; *First*, the distinction of their wives, *Secondly*, the manner of their betrothings. *Thirdly*, the rites and ceremonies of their marriage. *Lastly*, the forme of their divorce. The *Patriarks* in the old Testament, had many of them two sorts of wives, both of them were reputed lawfull, and true wives, and therefore the children of both were accounted legitimate. The *Hebrew* commonly call the one נשואים *Naschim*, *Primarie wives*, married with nuptiall ceremonies and rites requisite. Some derive the word from נשח *Nascha*, *Oblitus fuit, quasi obliuiose dicitur*, because for the most part, *Womens memorie is not so strong as Mens*: but they thinke not amisse, who say, that *women* are so called from *oblivion*, or forgetfulness, because the fathers family is forgotten, and in a manner extinct in their daughters, when they are married. Hence proceeds that common saying of the *Hebrewes*, \* *Familia matris, non vocatur familia*: and for the contrarie reason, a male child is called

משמחה  
אם אינה  
קרויה  
משמחה  
Aben. Ezra Num.  
1.2.



Abraham had, Abraham gave gifts, Gen. 25. 5, 6. And here, by the way, we may take notice, that the first borne, by right of primogeniture, received a double portion of his fathers goods: The father shall give him a double portion of all that he hath, for hee is the first of his strength, Deut. 21. 17. Unto this custome the Prophet Elisbaas speech alludeth, when he prayeth Eliah, that his spirit might bee double upon him, 2 King. 2. 9. that is, that he might have a double portion of the spirit, in comparison of the other Prophets, or rather the sons of the Prophets, amongst whom he obtained the place of an elder brother, and therefore prayeth for the right of primogeniture: so that we are not to understand him, as if he did ambitiously desire a greater measure of the spirit, than rested upon his Master, but that he desired to excell the other remaining Prophets, unto whom afterward he became a Father. The Hebrew phrase is in both places the same.

Secondly, in their betrothing we are to consider, 1. The distance of time betwene the espousals, and the confirmation of their marriage, which some have conceived to have been a full yeare, at least ten moneths, and this they observe from Rebecca, her brother and mothers answer unto Abrahams servant, desiring that the Maid might not depart presently, but remaine after the espousals at least ten dayes, Gen. 24. 55. Which text they interpret, *ten moneths*, understanding thereby, that which elsewhere is phrased *an yeare of dayes*, Gen. 41. 1. But if we should yeeld this interpretation, (although our English at least *ten dayes*, is more agreeable unto the Septuagins and the Original) yet it followeth not, that this time was

פני שנים  
per annos duos.

Onkelos & R.  
Solomon.

שנים  
per annos duos.

was craved for the fulfilling of any prescribed distance between the espousals and the marriage, but rather, it implieth the tender affection of the mother towards her daughter, as being loth so suddenly to part with her: Notwithstanding, it is not unlikely, that there was a competent distance of time, betweene the first affiancing and the confirmation of the marriage, though not prescribed, or limited to any set number of dayes, weekes, or moneths. The second thing considerable in their betrothing, is to inquire the manner of their contracting, which might be done in Israel, three wayes: First, <sup>i</sup> By a peece of money. Secondly, <sup>i</sup> By writing. Thirdly, <sup>i</sup> By copulation and all these in the presence of witnesses: By a peece of money, though it were but a farthing, or the worth thereof, at which time, the man used this, or the like forme of words: <sup>k</sup> Loesthou art betrothed unto mee: And hee gave her the money before witnesses. By bill, and then hee wrote the like forme of words; Bee thou betrothed unto mee: which hee gave her before witnesses; and it was witten with her name in it, else it was no betrothing. By copulation, and then he said likewise, Loesthou shalt bee betrothed unto mee by copulation, and so hee was united unto her before two witnesses, after which copulation, she was his betrothed wife. If hee lay with her by way of fornication, and not by the name of betrothing; or if it were by themselves, without the fore-acquainting of witnesses, it was no betrothing; how ever he might not lye with her the second time, before the marriage was accomplished. And though the betrothing might bee any of these three waies, yet usually it was by a peece of money; and if they would, they might doe it by

Ll

writing:

כנסף אר  
כשטר אר  
בכיתא  
וכילן  
כעדים  
Moses Kotsens. fol.  
124.  
הריאת  
במדינת  
Maimonides in 15.  
eb. th. c. 3. § 6.

writing : but betrothing by copulation was forbidden by the wise men of Israel, and who so did it, was chastised with rods ; howbeit the betrothing stood in force. These solemnities in *betrothing*, were performed by the man and woman ; under a tent or canopy made for the purpose, called in their language <sup>1</sup> *Chuppa*, *A Tabernacle*, or *Tent* : to this the *Psalmist* alludeth, *Psal.* 19. 4, 5. In them hath he set a *Tabernacle* for the *Sunne*, which as a *Bridegroom*, coming out of his *chamber*, rejoyceth as a strong man to run a race.

הרפת *Elias*  
*Thibitu.*

בית  
הפולחן  
הגדול

*Thirdly*, the rites and ceremonies of their marriage were performed in the assembly of *ten men at least*, with blessings and thanksgivings unto *God*, whence the house it selfe was called <sup>m</sup> *Beth hillula*, the house of praise : and their marriage song, <sup>m</sup> *Hillulim*, praises. The *Bridegrooms* intimate friends which accompanied him, and sung this *Epithalamium* or marriage song, were termed <sup>יוֹלָדֵי הַחַמֶּדֶת</sup> *children of the bride-chamber*, *Mat.* 9. 15. Such I conceive those *thirty companions* to have beene, which *Sampson* associated to himselfe, *Iudg.* 14. 11. The forme of this praise or blessing, is at large described by *Genebrard*, and the summe thereof is this : The chiefe of these companions taketh a cup, and blesteth it, saying, *Blessed art thou, O Lord our God, the King of the world, which createst the fruit of the vine* : Afterward then he saith ; *Blessed be the Lord our God, the King of the world, who hath created man after his owne image, according to the image of his owne liknesse, and hath thereby prepared unto himselfe an everlasting building, blessed beest thou O Lord, who hast created him*. Then followeth againe ; *Blessed art thou, O Lord our God ;*  
who



who hath created joy and gladnesse, the bridegroome and the bride, charity and brotherly love, rejoicing and pleasure, peace and society: I beseech thee, O Lord, let there suddenly be heard in the cities of Iudah, and the streets of Ierusalem, the voice of joy and gladnesse, the voice of the bridegroome and the bride: the voice of exultation in the bride-chamber is sweeter than any feast, and children sweeter than the sweetnesse of a song: and this being ended, he drinketh to the married couple.

This custome of praising God at such times was not needlesse, or superfluous, for the fruit of the wombe was expected as a speciall blessing from God, and so acknowledged by them in that saying: That foure keyes were in the hand of him, who was the Lord of the whole world, which were committed neither to Angell, nor Seraphim; Namely, \* *Clavis pluviæ*; *clavis cibationis*, *clavis sepulchrorum*, & *clavis sterilitatis*. Concerning the key of raine, thus speaketh the Scripture; *The Lord will open to thee his good treasure*, Deut. 28. Concerning the key of food, *Thou openest thy hands*, Psalm. 145. Concerning the key of the grave; *when I shall open your sepulchres*, Ezek. 37. Concerning the key of barrennesse; *God remembered Rachel, and opened her wombe*, Gen. 30. Whereby is intimated, that these four things, God hath reserved in his owne hand and custody; Namely, Raine, Food, the Raising of our bodies, and the procreation of children.

The time of the marriage feast appeareth clearly to have beene, *usuabz* seven daies. Sampson continued his feast seven daies, Iud. 14. 10. 11. And of this seven daies feast, 2 Divines doe understand that speech of Labans unto Iacob, concerning Leah: *Full her weeke*, and we will also give thee this, Genes.

מפתח  
מטרא

מפתח  
מים

מפתח  
קברות

מפתח  
עקרות

Targum Hierosol.  
Gen. 30. 21.

Vid. Shabbat. in  
לילה

Augustin. quest.  
Super Genes. 88.

29. 27. In which speech, it is thought that *Laban* did desire *Jacob*, not to reject and turne away *Leah*, but to confirme the present marriage, by fulfilling the usuall daies of her marriage feast. From this custome, together with the practice of *Ioseph*, mourning seven daies for his father, *Gen. 15. 10.* arose that usuall proverbe among the *Iewes*; *Septem ad convivium, Septem ad luctum*. The chiefe governour of the feast was called \* *Baal-mischce*; which name is fitly expressed by being called the \* *Ruler of the feast*, *Iob. 2. 9.* The moderne *Iewes in Italy*, when they invite any to a marriage feast, use this forme of words; *Such a one, or such a one intreaterh you to credit his daughters marriage, with your presence at the feast. &c.* Then he which is invited replyeth, \* *Mazal tob*; which some interpret to be the wishing of good luck in generall; but I rather thinke, that hereby was wished to the married parties, a speciall blessing in the procreation of children: whence the wedding ring, given unto the Bridewife, had \* this inscription or posie, *Mazal tob*; and the *Hebrewes* call the Planet *Jupiter, Mazal*, whose influence, they thought to be of great efficacie and force for generation: but in truth, *Mazal* signifieth any other Planet or Starre in the heaven, according to that *Hebrew* proverbe; \* *There is no herbe in the earth, which hath not a Mazal, or Starre, in the firmament answering it, and striking it, saying, Grow*. Now *tob* signifieth good, so that the phrase soundeth as much as, *Be it done in a good house, or under a good Planet.*

At the time of the marriage also, the man gave his wife a dower bill, which the *Scrievener* wrote, and the Bridegroom paid for, whereby he endowed his spouse,

בצל  
משתה  
Apyxetia

מזל טוב  
Stultus de convivio  
l. 2. c. 3.

\* Munus. Gen.  
30.

\* Non est tibi ul-  
la herba in terra  
cui non sit Mazal  
in firmamento, &  
sit ipsam re-  
mazal, & dicat ei,  
Crece.

Spouse, if she were a virgin, with two hundred deneyrs (that is, fifty shekels) and if she had been married before, with an hundred deneyrs (that is, twenty five shekels) and this was called the *root* or *principall* of the dowry: the dowry might not be lesse, but more, so much as he would, though it were to a talent of gold. There is mention of a *contract* between Tobias and Sarra, and that was performed, not by a *Servener*, but by *Raguel*, the womans father; where wee may observe, that before the writing of this bill, there was a giving of the woman unto her husband. The forme of words there used is, Behold, take her after the law of Moses, *Tobit. 7. 16.* A copy of this dowry-bill is taken by *Bertram*, out of the *Babylon Talmud*. The words thereof are thus; Upon the sixth day of the weeke, the fourth of the moneth *Sivan*, in the yeare five thousand two hundred fiftie foure, of the creation of the world, according to the computation which we use here at *Misilia*, a City which is situate neare the Sea-boare, the bridgroom *Rabbi Moses*, the sonne of *Rabbi Iehuda*, said unto the bridewife *Clarona*, the daughter of *Rabbi David*, the sonne of *Rabbi Moses*, a Citizen of *Lishon*; Be unto mee a wife according to the law of Moses and Israel; and I according to the word of God, will worship, honour, maintaine, and governe thee, according to the manner of the husbands among the Jewes, which doe worship, honour, maintaine, and governe their wives faithfully. I also doe bestow upon thee, the dowry of thy virginity, two hundred deniers in silver, which belong unto thee by the law; and moreover, thy food, thy apparrell, and sufficient necessities, as likewise the knowledge of thee, according to the custome of all the Jewes. Thus *Clarona* the Virgin rested, and

Talmud. Rab.  
vid Buxtorf.  
Grammatic.  
Chald p. 383.

became a wife to Rabbi Moses, the son of Iehuda the Bridegroom.

After the marriage was finished, then the wife might challenge from her husband three things as debt. 1. Food. 2. Apparell. 3. Cohabitation, or the right of the bed; which they note from Exod. 21.10. where it is said, if he take him another wife, <sup>her</sup> food, her raiment, and her duty of marriage shall he not diminish. And unto this the Apostle alludeth, calling it, *Due benevolence*, 1 Cor. 7.3.

The wife, when she was first presented unto her husband, covered her head with a *veile*, in token of *subjection*. Rebecca tooke a *veile*, and covered her selfe, Gen. 24.65. and for this cause (namely in *signe of subjection*) ought the woman to have power on her head, 1 Corin. 11.10. whereby power, the Apostle understandeth a *veile*. Doe any aske the question, why he should denote this *veile* by the name of *power*, especially seeing it was in token of *subjection*? The Apostle being an Hebrew of the Hebrewes, might have respect unto the Hebrew word \* Radid, signifying a *veile*, which commeth from the root Radad, to *bear rule and authority*, and so might use the Greeke word, signifying \* *power*, in the same sense as the Hebrews did. And in truth, what is this *subjection* to the husband, but a kinde of *power* and *protection* derived unto the wife, in comparison of her former state, being a *Virgin*; and therefore in case her husband was jealous of her, amongst other tokens of sorrow, she was commanded to stand at her triall with her <sup>h</sup> head uncovered, Numb. 5.18. intimating thereby, that if she could not then cleare her selfe, she was from thence forward, deprived of all *power*, which

וְעֵלָה Vela.  
mulieris, a  
verbo וָרָר Sub-  
jecit.  
a \*E'vria.

וְעֵלָה אֵלָה  
Sine Radid. and  
E'vria. Sic ego  
interpretor verba  
Maimon. in Sota.  
cap. 8. sect. 4.

which heretofore she enjoyed by the meanes of her husband.

After the mariage was finished, sometimes there was permitted a Bill of divorce; this, the Hebrewes called *Ṣepher Kerithush*, A bill of cutting off, because the woman is by this meanes cut off from her husbands family. <sup>a</sup> Ten things were thought requisite as the root and foundation of a divorce. 1. That a man put her not away but of his owne will. 2. That he put her away by writing, not by any other thing. 3. That the matter of the writing be to divorce her, and put her away out of her possession. 4. That the matter of that divorcement bee betwene him and her. 5. That it be written by her name. 6. That there be no action wanting, after the writing thereof, save the delivery of it unto her. 7. That he give it unto her. 8. That hee give it her before witnesses. 9. That hee give it her by the law of divorces. 10. That it bee the husband or his deputie, that delivereth it unto her. The forme or coppie of this Bill of divorcement was, as it followeth; <sup>c</sup> Upon such a day of the weeke, such and such of the moneth N. such or such an yeare of the creation of the world, according to the computation which we use here in this City N. situate neere the river N. that is of the Countrey of N. the sonne of Rabbi N. of the Countrey of N. But now I dwelling in such or such a place, neere such or such a river, have desired of mine owne free will, without any coaction, and have divorced, dismissed, and cast out thee, thee I say, thee my wife N. of the Countrey N. the daughter of Rabbi N. dwelling in such or such a Countrey, and dwelling now in such or such a place, situate neere such or such a river, which hast beene my wife heretofore; but now I doe divorce thee, dismiss thee, and cast thee out, that thou

כפר  
כרתה

Grace sic  
amator.

<sup>a</sup> Maimon. de divor.  
vort. cap. 1. § 2. c.

<sup>c</sup> Hec forma repetitur apud Mosem Kolensem fol. 133. Alind exemplar. bidem habeatur. It. in Mosc. Egyptio part. 2. fol. 59. unde desumpta est. hoc testium subscriptionem.



thou maiest be free, and have the rule of thy selfe; to depart, and to marry with any other man, whom thou wilt; and let no man bee refused by thee for me, from this day forward for ever. Thou be thou lawfull for any man, and this shall be to thee from me, a bill of separation, a bill of divorce, and a letter of dismission.

According to the Law  
of Moses

and Israel.

N. the sonne of N. wisse.

N. the sonne of N. witnesse.

<sup>f</sup> Solomon Barchi.  
Hof. cap. 1. 10.

<sup>e</sup> Maimon. de di-  
vor. cap. 11. sect.  
18,

This bill was written by a <sup>f</sup> Scrivener, or publike Notarie. And furthermore, a woman being divorced, or otherwise a widow, it was not lawfull for her to marry againe, till shee had sariied ninety daies, besides the day of her divorce, or of her husbands death, and her last espousals: to the end that he might be knowne whether shee were with child or no, and that there might be prooffe, whether it were the seed of her first husband or of the second.

It was a common custome among the Romans, about the time of our Saviours birth, even for the women to divorce their husbands, and to marrie againe at their pleasure. Of this, Heathen Authors speake:

— Sic fiunt octo mariti.

Quinque per autumnos.

Juvenal. Satyr. 6. vers. 230.

Et nubet decimo jam Thelesina viro.

Martial. lib. 8.

<sup>h</sup> Senec. 3. de Be-  
nef. 16.  
<sup>i</sup> Plutarch in Al-  
cibiade.

<sup>h</sup> Non consulam sed meritorum numero annos suos  
computant, &c. The bill tendred by the woman,  
was termed *ἡ ἀποδομή*, Letters of forsaking,  
not

not letters of cutting off, or putting away. This same practice was in use also among the Hebrews. Hence is that saying of our Saviour : *If a woman shall put away her husband, and be married to another, &c.* Mark. 10. 12. Now although, at that time humane lawes forbade not marriages renewed with others upon such divorces, yet Gods law condemned both such divorces, and such marriages, and before God, persons marrying after such divorcements, were reputed digamites, that is, to have two husbands, or two wives. For this reason, <sup>a</sup> Minister above others is commanded to bee *ἄνδρα καὶ ἑνὴν γυναῖκα*, The husband of one wife, 1 Tim. 3. 2. And the woman, she is commanded to bee *ἑνὸς ἀνδρὸς*, The wife of one husband, 1 Tim. 5. 9. In which texts, second marriages (in case of the husbands or wives death) are no more forbidden, than the Poet forbade them in the like Phrase :

*Vnico gaudens mulier marito.*

*Horat. carmin. 3. 14.*

Note in the last place, that among the *Iewes* the Bride woman also brought a dowry to her husband ; it was sometimes more, sometimes lesse ; it was called by the <sup>k</sup> Rabbins נדוניא *Nedunia*. Raguel gave <sup>ἑλὶם</sup> *Elimi* Thibit. <sup>יִצְחָק</sup> *It. Solom. Iarchi.* with his daughter Sarra, halfe his goods, servants, and cattell, and money, *Teb. 10. 10.* <sup>Gen. 31. 15.</sup>

## C H A P. V.

## Of their Burials.

**A**T the time of a mans death, before his buriall, many ceremonies were observed. First, the next of the kinne closed the eyes of the deceased body. *Ioseph shall put his hands upon thy eyes,* Gen. 46. 4. This was likewise practised both by the Romans and the Grecians.

*Ille meos oculos comprimat, ille duos. Ovidi*

*ὁππότε δὲ θάψοντες ἐκάλυψαν αὐτῷ τὰς ὀφθαλμοὺς. Homer. Iliad. 1. 6.*

Secondly, they washed the body being dead. *Tabitha* died, and when they had washed her, they laid her up in an upper chamber, *Act. 9. 37.* The Baptization or washing at such a time, was threefold. The first, was *Bannous* and *νύμφη*, *Eccles. 34. 26.* A washing from the pollution contracted by the touch of a dead carcasse; so that if haply any ignorantly and unawares became thus uncleane, then was hee by a kind of washing to be made cleane againe. The second was *Bannous* and *νύμφη*, A Baptization, or washing of the dead corps it selfe; thus *Tabitha* was washed: neither is the word *Bannous* unusually applyed to common washings, as *Mark. 7. 4.* we read of the washing of cups, pots, vessels, tables; The Greeke is *Bannous*. The first of these washings was proper to the Jewes: this second, in use with Jewes, Christians, and Heathens: the third (which was *Bannous* and *νύμφη*, A Baptization for the dead, *1 Cor. 15. 9.*) proper to some amisse led Christians. It may bee demanded, what manner of Baptism

<sup>a</sup> Tertullian. A-  
polog. cap. 47. 12.  
<sup>b</sup> Ioseph. b. 1. lib. 7.  
c 17 <sup>b</sup> Corpusque  
lavet frigidis  
et unguit. Virg.  
lib. 6. *Æneid.*

*tisme* this was? With submission of my judgement, I understand this place with <sup>c</sup> Saint *Ambrose*, of a *Sacramentall washing*, applied unto some living man in the name & behalfe of his friend, dying without *Baptisme*, out of a superstitious conceit, that the *Sacrament* thus conferred to one alive, in the name of the deceased, might be available for the other dying *unbaptized*. As if the *Apostle* did wound those superstitious *Corinthians* with their own quils, and prove the resurrection of the dead from their owne erroneous practice, telling them in effect, that their superstitious custome of *baptizing* the living for the dead, were vaine and bootlesse, if there were no resurrection. And therefore the *Apostle* useth an emphaticall distinction of the persons, in the next immediate verse, saying; Why are we also in jeopardy every houre? He inferreth the resurrection by force of a double argument; the first, drawne from their superstitious *baptization* for the dead: the second, from the hourelly jeopardy and perill wherein wee, that is, himselfe and other *Christians* are. So that as that *Father* noteth, the *Apostle* doth not hereby approve their doing, but *ovince* the hope of the resurrection from their owne practice, though erroneous. That there was <sup>d</sup> *Picarium tale baptisma* (as *Tertullian* calleth it) in use among the *Marcionites*, is evident, yea and amongst the <sup>e</sup> *Corinthians* also: the manner thereof is thus described; <sup>f</sup> when any *Catechumenist* died, some living person placed under the bed of the deceased, they came unto the deceased partie, and asked him, whether he would bee baptized? then hee replying nothing, the party under the bed answered for him, saying, that he would be baptized: and thus they

M m 2

baptized

<sup>c</sup> *Ambros. 1 Cor.*  
 16. 29.

<sup>d</sup> *Tertullian. lib.*  
*c. resurrex. car-*  
*niz.*

<sup>e</sup> *Epiphon. de Co-*  
*rinthianis baraj.*  
 23. *Chrysost.*  
 1 *Cor. 15.*

baptized him for the dead, as if they acted a play upon the stage.

в Herodot. Entexp.

The third ceremony used by the *Jewes* towards the dead party, was the *embalming* of the corps, which for the maine thereof, it is probable they learned from the *Egyptians*, for wee find *Ioseph* to be the first that practised it, *Gen. 50. 2*. The *Egyptian* manner of *embalming* was thus: *They took out the bowels of the dead, they cleansed them and washed them with the wine of Dates, & after that againe with Odors: then filled they the bowels with pure Mirrh beaten, and Cassia, and other Odors (except Frankincense) and sewed them up. After this, they seasoned the corps bidden in nitre, seventy daies, not longer: after seventie daies they washed the corps, and wrapped it in fine linning cloth gummed, which gum the Egyptians often use in stead of Glee. The Greeks termed it *necron*. And the use thereof was for the preservation of the body, that it might not putrifie, and therefore when the funerall obsequies were not long delaied, they used another kind of embalming, namely, an externall and outward application of Spices and Odours, without the unbowelling of the corps. This the *Greekes* termed *anaspasmos*. This was used toward our Saviour Christ,*

Sometimes they did use to *Burne the corps*, preserving onely the bones in some urne or pitcher, *Amos 6. 10.* But commonly they interred the whole body, and buried it in the earth. The ancient *Jews* if they received not from their Ancestors, then would they purchase a *buriall place* themselves, for the buriall of them, and their family. The forme of that place was thus; It was a *vaule* hewed out in a

h. Vespatur tam-  
men to corrup-  
tioni in scripturis  
lata significatione,  
ad denotandam  
utramque condi-  
tionem.  
Imo & dicitur oc-  
currat, Gen. 50.  
26. pro eo, quod in  
Hebraeo  
וְיָשֻׁבִי Et a-  
romatibus condi-  
uerunt.



rocks, <sup>1</sup> six cubits long, and foure broad, in which eight other cels or lesser holes (or as some say thirtene) were made, as so many distinct receptacles, or *roombs* for the dead bodies to be laid in: As often as they buried any, they were wont to roll a great stone to the mouth of the cave. The cave or vault it selfe they termed from the act of buriall, <sup>2</sup> *Keber*, which signifieth a place of buriall; or from its forme, <sup>3</sup> *Magnara*, a denne, or cave. The severall cels or receptacles in which the body was laid, they called <sup>4</sup> *cu-cim*, graves, *roombs*; and the stone they named <sup>5</sup> *Golel*, A rolling stone. This giveth great light to that in the Gospel, *Ioseph* took the body of *Christ*, and wrapped it in a clean linning cloth, and put it in his new *roombe*, which he had hewen out in a rock, and rolled a great stone to the doore of the Sepulchre, *Mat.* 27. 59. 60. These caves or vaults, the wealthier sort would paint, garnish, and beautifie at the mouth or entrance of them: hence commeth that phrase, *Sepulchra dealbata*, painted *roombs*. As often as they had occasion to mention or speak of any friend deceased, they used that in the *Proverbs*, *The memorie of the just is blessed*, *Prov.* 10. 7. Hence the *Rabbies*, in their quotations of any worthy Author deceased, usually subjoyne this honourable commemoration, *Benedictio memoria N. Such*, or such a one of blessed memorie.

But their usuall epitaph or inscription upon their sepulchres, was, <sup>6</sup> *Let his soule be bound up in the Garden of Eden, Or in the bundle of the living, Amen, Amen, Amen, Selati.*

The latter *Jewes*, have beene strangely conceited concerning the place of burials, and are perswaded, that if an *Israelite* be buried in any strange Country

Mm 3.

out:

ר אמורה  
על ששTalmud. Seder  
Nerik in. Savab.  
atbra. cap. 6.קבר  
מערהבוכים  
גללזכרון  
לכרוב  
Mc.  
memoria ejus sit in  
benedictione.גשמתה  
תחא צריחה  
בן עזר  
א אא מלה

Sheindler in.

גר.

out of the promised land, he shall not be partaker so much as of resurrection, except the Lord vouchsafe to make him *hollow passages* under the earth, thorow which his body by a continuall volutation and rolling, may be brought into the land of *Canaan*. The ground hereof, is taken from the charge of *Jacob* unto his son *Ioseph*, that hee should not bury him in the land of *Egypt*, but in *Canaan*.<sup>a</sup> For which charge they assigne three reasons. *First*, because he foresaw by the spirit of Prophecy, that the dust of that land should afterward be turned into lice. *Secondly*, because those who died out of the holy land, should not rise againe without a painfull rolling and tumbling of their bodies, thorow these hollow passages. *Thirdly*, that the *Egyptians* might not idolatrously worship him.

They made a feast at their burials, which is stiled *The bread of men*, *Ezek. 24. 17.* And a *cup of consolation*, *Ier. 16. 7.* because it was administred to comfort those that were sad of heart. It much resembled the *Roman Silicernium*.

From those two places last quoted, wee may observe that at the buriall of their friends, they used these ceremonies which follow, some to *testifie*, some to *augment* their griefe. 1. *Cutting themselves*, that is, wounding or cutting any part of their body, with any kinde of instrument. \* This practice was learned from the *Heathens*, who were wont not onely to scratch their face, but to punch and prick certaine parts of their body with a needle, and then cover it over with inke, which they used as a speciall ceremonie in their superstitious worship, and therefore it is forbid, *Deut. 14. 1.* *Secondly, making them-*

<sup>a</sup> Gentes quoddam corporis partes ac vulnerabant, vel alias incidiebant, atramentumque super ponebant, quod in cultum demonum fuerat consecratum, praecepit ergo ne nullo pacto sicut gentes ferirent carnes suas: quemadmodum sacerdotes cybelae & dia Syrorum, ut refert Lucianus. P. Fag. Deut. 14. Inguibus ora foras faciant & pectora pennis. Virg. lib. 4. Aeneid.

**J** does bald, which was done divers manner of waies, either by *shaving their haire*, or *plucking it off with their hands*, or by *imposed plaisters to make it fall off*. Other nations were wont to shave off the hair

*Scitib. fratris  
imposuere capit.  
lex Ovid. met. 3.*

of their head, and to offer it in the behalfe of the dead: they did sometimes shave their cheeks, sometimes their eye-lids: and this also being an *Heathenish* custome, was likewise forbidden in *Israel*, *Deut.*

*14. 1.* *Thirdly*, going bare headed that they might cast dust or ashes upon their heads, signifying thereby, that they were *unworthy* by the ground on which they

ment. *Fourthly*, going barefooted, for their greater humiliation. *Fifthly*, the covering of their lips, for that was a speciall signe of sorrow, and shame. *The Seers*

*shall be ashamed*, &c. they shall all cover their lips, for they have no answer of *God*, *Mich. 3. 7.* If it be demanded, how they covered their lips? It is thought they did it

*D Kimchi. &  
Aben Ezra. P.  
Fag. Levit. 14. 45.  
" Sissaque Po-  
lixena palla tu-  
venal. Satyr. 10.*

by casting the skirt of their cloke, or garment over them. *Sixthly*, renting their clothes. *Seventhly*, putting sackcloth about their loynes, *Genes. 37.*

*34.* These were generall tokens of griefe, used upon all extraordinary occasions of sorrow. Two other there were, more proper to burials, to augment their griefe. *First*, minstrels, who with their sad

*\* Majoris a tatis  
funera ad tuba  
proferre scilicet  
minoris vero a-  
tatis ad tibiaz.  
Servius. Aeneid.  
lib. 5.  
" Tibia cum tene-  
retur sicutum de-  
cere manes. Dege.  
Phrygia in Asia.  
Statius, Theb. lib.  
6. vers. 113.*

tunes inclined the affections of the people to mourning. *\* Of these there were two sorts*: Some playing on pipes, other sounding trumpets. At the funerall of

Noblemen, or old men, they used a trumpet: at the funerall of the common people, or children, they used a pipe. In this respect it is said; *That Iesus, when he raised Iairus his daughter, cast out the minstrels*, *M. t.*

*9. 23.* *Secondly*, women hired to sing at burials for the same purpose, and likewise by outward signi-

fications

fications of sorrow, to move the company, and more strongly to affect them, call for the mourning women, &c. and send for skilfull women, *Ierem. 9. 17.* These the Romans called, *Præficus*, quasi in hoc ipsum præfatus, Cheife or skilfull mourners.

## CHAP. II.

## Of their Oaths.

**T**He manner of swearing, was sometimes by lifting up their hands towards heaven; *Abraham* said to the King of Sodom; *I have lifted up my hand unto the Lord; that is, I have sworne, that I will not take from a threed even to a shoelatchet, Gen. 14. 22.* Unto which custome the *Psalmist* seemeth to allude, *Pf. 106. 26. He lifted up his hand; that is, he swore.* Sometimes he that tooke the oath, did put his hand under the others thigh, which administered the oath. We read this manner of administration to have been used by *Abraham, Gen. 24. 2.* and *Jacob, Gen. 47. 29.* Which ceremonie, <sup>a</sup> some interpret to be, as a token of subjection: <sup>b</sup> others as a mystery of circumcision, the signe whereof they bore about that place of their body: others more probably think it to be a mysterious signification of *Christ* the promised seed, who was to come out of *Abrahams* loynes, or thigh; as the like phrase is used, *Gen. 46. 26.* the foules that came out of *Jacobs* thigh. Sometimes also the manner of deposing, was to stand before the Altar, *1 King. 8. 31.* Which was also the custome of the Athenians, the <sup>c</sup> Carthaginians, and the <sup>d</sup> Romanes. The object of a lawfull oath, was, and is, only the Lord:

<sup>a</sup> *Aben Esra. Gen. 24. 2.*

<sup>b</sup> *Solomon Iarubi. ibid.*

<sup>c</sup> *Augustin. quæst. super Gen. 62.*

<sup>d</sup> *Alex. ab Alex. lib. 5. c. 10.*

<sup>e</sup> *Livius dec. 3.*

<sup>f</sup> *lib. 1. It. Vater.*

<sup>g</sup> *Max. lib. 9. cap. 3.*

<sup>h</sup> *Iuvenal. Satyr. 3.*

<sup>i</sup> *Samothevacum & Invenal. Satyr.*

<sup>j</sup> *Invenal. Satyr. 3.*

Lord: whence hee that tooke the oath, was said to  
*conferre unto God.* Compare *Esay 45. 23.* with *Rom.*  
*14. 11.* And the ancient forme of imposing an oath  
 was this, *Give glorie to God, Ios. 7. 19. Iohn 9. 24.* Now  
 God was glorified by an oath, because thereby there  
 was a *solemn confession and acknowledgement of*  
*Gods omnipresence,* that hee is present in every place  
 of his *omniscience,* that hee knoweth all secrets,  
 of his *truth,* that hee is a *maintainer of truth,* and an  
*avenger of falsehood:* of his *justice,* that hee is *millic,*  
 and his *omnipotence,* that hee is able to punish those;  
 that by swearing shall dishonour him. And as the  
*object of a lawfull oath was onely God.* So it is imply-  
 ed that it was not rashly or unadvisedly to be un-  
 dertaken, but by a kinde of necessitie imposed, for the  
 Hebrew word *שׁוּבָה* is a passive, and signifieth to be  
 sworne, rather than to swear.

In corrupter times they were wont to swear by  
 the creatures, but the *Jewes* chiefly by *Hierusalem,*  
 by the Temple, by the gold of the Temple, by the *Altar,*  
 and the gift on the *Altar.* This gift in Hebrew was ter-  
 med *Corban,* and it was one of those oathes, which  
 in our Saviour Christs time the *Scribes and Pharisees*  
 accounted principally obligatorie. If any swore by  
 the *Altar,* it was nothing: but if any swore by the  
 oblation of the *Altar,* hee was bound to performe it.  
*Matt. 23. 18.* yea although Gods law enjoyned ho-  
 nour, and releefe towards parents; yet if they had  
 bound themselves by this oath *Corban,* that they  
 would not help or releafe their parents, they taught  
 they were discharged. Whence saith their *Tal-*  
*muud,* Everie one ought to honour his Father and Mother  
 except he hath vowed the contrarie. And it is evident,

Nn

that

*Et alium perurum  
 Or cepa inter deos  
 jurejurando ha-  
 buerunt Egyptii.  
 Plin. lib. 19. cap. 6.  
 Item. Invenimus  
 Sat. 15. in vitiis  
 Et sic et mra  
 a dno n. ror ror  
 Auctores dnoy ror  
 Cap. ror ror ror  
 Inter quas sacra  
 menta cum quibus  
 dam aliis, etiam in  
 jurjurandum quod  
 Corban appellatur  
 enumerat Iosaph.  
 contra Apion. lib. 1.  
 p. 147.  
 Talmud Hiera-  
 solymit. tract. de  
 votis, cap. 10.*



that the *Temes* did often, by solemne vowes and  
 oathes binde themselves, that they would never doe  
 good to such, or such a man. Wee must furthermore  
 know, that usually to their oathes there was an ex-  
 ecration, or conditionall curse annexed, which some-  
 times was expressed, as, If I doe not doe thus, and thus,  
 then the Lord doe so to me, and more also; 1 Sam. 14. 44.  
 Also 1 King. 20. 10. Sometimes it is understood, as, I  
 have sworne, if I take from a threed to a shoote latchet,  
 Gen. 14. 22. then let the Lord do so to me, and more also;  
 this, or the like is understood, and maketh the former  
 part of the oath to sound negatively; as if Abraham  
 had said, I have sworne, I will not take from a threed to  
 a shoote latchet. In like manner, Psal. 95. I have sworne  
 if they shall enter into my rest: that is. They shall not en-  
 ter into my rest, Heb. 3. 18. This helpeth the expositi-  
 on of that difficult place, Mat. 15. 5. which we read,  
 By the gift that is offered by mee thou maist have pro-  
 fit: but if we conceive it thus, according to the forme  
 of the oath Corban; By Corban if thou receive any profit  
 by mee: and understand the execration implied;  
 Then let God doe thus and much more to me, the sense  
 will be thus; By Corban thou shalt receive no profit by  
 me. This exposition is as agreeable to the scope of  
 the place, as it is to their forme of swearing, and  
 plainly sheweth how the Pharisees, by their traditi-  
 ons, transgressed the commandement of God: For  
 God commanded, saying: Honour thy father and thy  
 mother. But the Scribes and Pharisees said: Whoso-  
 ever should say to father or mother, seeking releefe,  
 By Corban thou shalt receive no profit from me, he was  
 discharged.

1. Ogep mēd, k  
 tē dūm mē na  
 pē dūm dē dē dē  
 272. Iurejū ando  
 se obstringunt, buic  
 vel illi homini ni-  
 hil se commodi  
 prestituros, & bīlo  
 Ind. de specialibus  
 legib. p. 595.

1. Δὲ γὰρ, ὅ ἐστιν ἡ  
 ἐκείνου ἀπαγγελία. Per  
 Corban, si quic-  
 quam tibi prodere  
 interpretor ὅ ἐστιν  
 Si quicquid: quem-  
 admodum ἔστι ἐστὶν  
 Si quisquam, Mat.  
 10. 14. & Mat.  
 23. 18. Et execra-  
 tione subaudita  
 sensus emergat. Per  
 Corban nihil tibi  
 praderet, Ceterum,  
 si quid uirget, quod  
 in fonte sit xpe ad,  
 non per Corban uel  
 cō. xpe ad, scien-  
 dum, quod simili-  
 elapsi in jurandi  
 formula non est  
 in usitata, hinc  
 הנה הנה  
 הנה הנה  
 ומה per do-  
 micilium hoc.  
 Kid. Drusum de  
 tribus scilicet, l. 2.  
 cap. 17.

## CHAP. VII.

Of their writing, their Masorites, and  
their worke.

**W**Riting, in no Nation came to its perfection on a sudden, but by degrees: The opinions of the ancient, concerning the authors and inventors of letters, are different. Some say <sup>a</sup> Cadmus brought the use of letters into Greece; others say, <sup>b</sup> Palamedes: <sup>c</sup> some say, Rhadamanthus brought them into Assyria: Memnon into Egypt: Hercules into Phrygia: and Carmenta into Latium. Likewise some say the Phenicians had first the knowledge and use of letters.

<sup>a</sup> Plin. lib. 7. ca. 56.  
<sup>b</sup> Diod. Sicul. lib. 6. cap. 15.  
<sup>c</sup> Servius lib. 2. Aenid.  
Alex. Genial. lib. cap. 30.

*Phenices primi (fama si credimus) ausi,  
Mansuram rudibus vocem signare figuris,*  
Lucan.

Others say the <sup>d</sup> Ethiopians: <sup>e</sup> others the Assyrians. But upon better grounds it is thought, that <sup>f</sup> Moses first taught the use of letters to the Iewes, and that the Phenicians learned them from the Iewes, and the Grecians from the Phenicians.

<sup>d</sup> Diod. Sicul. lib. 4.  
<sup>e</sup> Plin. l. 7. c. 56.  
<sup>f</sup> Euseb. prepar. Evang. lib. 10.

In like manner, the matter upon which men wrote, in ruder times was different. Some wrote on *rindes of trees*, whence *Liber*, signifying originally a *rinde of a tree*, is now used for a *booke*: <sup>g</sup> some wrote on *tile-stones* with a *bone* instead of a *pen*; some on *Tables*; this last was chiefly in use among the Iewes, the Decalogue was written in two *tables of stone*. Againe, write these things upon a *table*, Es. 30. 8.

<sup>g</sup> Diogen. Laert. in vita Cleanthii.

*in novis*, saith the *Septuagint*, as if the writing tables at that time were made of box trees. They used not then pens or quills, but a certaine instrument or punch, made of iron or Steele, called *stylus*, it was sharp at one end; for the more convenient indenting or carving of the characters; and broad at the other, for the scraping or blotting out what had been written;

<sup>1</sup> *Erasm. in Adag.* whence sprang that proverbiall speech *In terræ stilum; To unsay what he hath said, or to blot out what he hath written. Scribo stylo hominis; write with the pen of man, Ps. 8. 1.* Afterward before they came to binde up books in manner as now wee have them, they wrote in a roll of paper or parchment, which sometimes was ten cubits broad, and twentie long, *Barth. 3. 2.* This they called *Magilla* in Hebrew, from *Gala*, to roll; *Volumen* in Latine; in English a volume, from *volvo*, to roll. In the volume of the Booke it is written, *Psal. 40. 7.* And Christ closing the Booke, gave it to the Minister, *Luc. 24. 28.* the word is *ὑψεύς*, *complicans*, folding, or rolling it up. And ver. 17. *ὑψεύς*, *Explicans*, unfolding, or opening it.

<sup>2</sup> *Euseb. in Hist. eccl. lib. 1. c. 14.*

These volumes were written not with one entire continued writing, but the writing was distinguished into many spaces, columns, or platformes, like unto so many *Aræ*: these platformes, filled with writing, were in stead of so many pages in a booke: and thus wee are to understand that, *Ierem. 36. 23.* When *Iehoiakim* had read three or foure leaves, hee cut it with the penknife, &c. These leaves were nothing else but such spaces and platformes in the roll. After this manner the Jews reserve the Law written in such rolls, and with such spaces in their Synagogues at this day.

It is much controverted, whether the *Jewes* did from the beginning write with vowels and accents, or whether they were added by the *Masorites*; for the understanding of which, it will be needfull, First, to enquire who the *Masorites* were; Secondly, what their worke was; and then to deliver in a proposition what may be probably thought in this point.

First, concerning the *Masorites*, wee are to know that *מסר* *Masar* signifieth *tradere*, to deliver: and *Masora* a tradition, delivered from hand to hand, to posteritie without writing, as the *Pythagoreans* and *Druides* were wont to doe; but by the figure *Synecdoche*, it signifieth those *criticall notes* or *Scholion*, written in the margine of the Bible, and those that were the authors of those *criticall observations* were termed *Masorite*, *Masorites*. Concerning these authors who they were, there are two opinions. Some thinke that they were certaine learned *Jewes* living in the citie *Tiberias*, they termed them *Sapientes Tiberiadis*, *The wise men of Tiberias*. These wise men are thought to have added these *marginall notes* unto the *Hebrew Bibles*,<sup>1</sup> some time after the finishing of the *Babylon Talmud*, which was about the yeare of our Lord, 506. This opinion is unlikely for these two reasons. 1. <sup>a</sup> Because wee cannot finde in histories, the continuance of any College or schoole in *Tiberias* so long, but rather that degrees in learning ceased there, within foure hundred yeares after our Saviour his birth. 2. <sup>a</sup> In both *Talmuds* mention is made of the *Masora*, and the things contained therein. Others therefore more probably say, <sup>o</sup> that the *Masorites* were the *Ecclesiasticall Senate* or *Councell*, held by *Ezra*, *Haggai*, *Zachary*, *Malachi*, and divers

<sup>1</sup> Aben Ezra. vid. Buxtorf comment. Masor. c. 3.

<sup>1</sup> Elias Levita in prefat. tert. l. Masoreth ham-masoreth.

<sup>a</sup> Buxtorf in comment. Masor. c. 7.

<sup>a</sup> Buxtorf in comment. Masor. c. 8.

<sup>o</sup> R. Asarius. R. Gedalia. Buxtorf in comment. Masor. c. 11.

others assembled for the reformation of the Church; after their returne from *Babylon*; they are called *Viri Synagoge magna*. This Councell continued at least fortie yeeres; for *Simeon the just*, who went out in his Priestly robes, to meet and pacifie *Alexander the Great*, comming in hostile manner against *Ierusalem*, was the last of that Councell, and that was above three hundred yeeres before the birth of our Saviour, *Efra* was the President or chiefe of this Councell, he was of such repute among the *Jewes*, that they paralleld him with *Moses*, saying, <sup>a</sup> *Dignum erat Efra, quod data fuisset lex per manus ejus Israel, si non praecepsisset eum Moses.*

In the second place, we are to consider the worke; what the men of this great *Synagoge*, being the true *Masorites* did; their worke may be reduced to these particulars. 1. When this great Councell was assembled, they, among whom *Efra* was chiefe (who was assisted with the inspiration of Gods Spirit) <sup>r</sup> determined what books were *Canonicall*, what *spurious* and *Apocryphall*. Secondly, <sup>t</sup> the *authentique* and *Canonicall* books were purged by them, of all errors crept into the Text in time of their captivitye. Thirdly, they <sup>e</sup> digested the *old Testament* into *twentie two books*, according to the number of the *Hebrew letters*. Fourthly, they distinguisht it into great *sections* and *verses*: for though the Law was not so confusedly written, without any space or note of distinction betweene word and word, that it seemed all one continued verse, or as the *Kabbalists* speake, *אחת תיבה* *Thebachath*, one word, untill the time of the *Masorites*; yet it was not so distinguisht into *Sections*, and *verses*, as now wee have it. Fifthly, They added

<sup>r</sup> Pirke Aboth. c. 1.

<sup>a</sup> Talmud. Sanhedrim. c. 2. f. 21.

<sup>r</sup> Buxtorf. in comment. Masor. c. 11.

<sup>t</sup> Tertulian. l. de habit mulier. Chrysostom. hom. 3. ad Hebraeos. Irenaeus advers. haeres. lib. 3. c. 25.

Augustin. de mirabil. sacrascript. l. 2. circa finem.

<sup>e</sup> Genesbrad. l. 2. Chronolog.



added their censures and *criticall observations*, concerning the irregularitie of many words, in respect of the vowels and accents. *Sixthly*, they numbred the verses, words, and letters of everie booke, to prevent all possibility of corrupting the Text in future times, for now they say the gift of prophetic should cease. *Lastly*, they noted the *different writing*, and *different reading*: for the understanding of which we must know, that in the *Hebrew* text, many words are written with *more*, many with *fewer letters*, than they are pronounced; \* many words *written* in the text, which are not *pronounced*, &c. In the *margin* the difference is expressed; whence the difference in the text they terme כתיב *Cethib*, *Scriptionem*; the writing; the difference in the *margin* they terme קרי *Keri*, *Lectionem*, the reading: because they doe read according to that in the *margin*. \* This difference is thought by some to bee a correction of the Bible, according to severall copies after their returne from *Babylon*, but that it is of *divine authority*, containing many mysteries knowne to *Moses*, and the *Prophets* successively (though many of them unknowne to our age) and that it was not any *correction*, but the difference it selfe primarily and purposely was intended by the *Prophets*, and holy pen-men of the Scripture, evidently appeareth by the diversity of readings in those books, which were written by *Haggi*, *Zachary*, *Malachy*, *Daniel*, and *Efra*, they being the *Authors* of their owne books, needed no *correction* at that time themselves being *present*, yet in them this *different reading* is used.

In the *third* place; the proposition followeth, namely, *Seeing that the Masorites passed their censure*

\* Sunt etiam vocis, quæ scriptæ sunt in textu, sed non leguntur, quas adducit Masora, Ruth. 3. 12.

\* Contra hos disputat Elias Levita in prefat. 3. li. Masoreth. bamm. masoreth.

on many words for their irregularitie in their vowels and accents; therefore, The vowels originally were not from the Masorites; but of the same antiquitie with their words; and in truth, otherwife they had been a body or carcasfe without a soule.

## CHAP. VIII.

Israels pitching of their tents, or of  
their camps.

**W**Hiles the Israelites wandred thorow the Wilderneffe, their Church was a Tabernacle, and their habitations Tents, so that their whole Camp might be termed a moveable citie. It was divided into three parts. In the centre or middle of all, was the Tabernacle it selfe, with its courts, this they termed the Camp of the Divine Majestie. Next round about, pitch the Priests and Levites, to whom the charge of the tabernacle belonged, (and therefore the neereft adjoyning place of habitation, might be the convenientest for them) this was called the Camp of Levi. In the utter parts round about Levi, the twelve tribes pitch their tents, this they termed the Camp of Israel. The first Camp resembled a great Cathedrall Church with its Church-yard. The second, a privileged place about the Church, as it were for Colleges for the habitation of the Clergie. The third, the body of a Citie, wherein the townesmen or laitie dwelt. The forme of the whole, is probably thought to bee fouresquare, some say twelve miles long, and twelve miles broad.

Exod. Num.  
23.

In

In the Easterne part pitched these three tribes, *Judah, Issachar, and Zabulon*. On the South side, *Ruben, Simeon, and Gad*. On the West, *Ephraim, Manasses, and Benjamin*. On the North, *Dan, Asher, and Nephthali*: and these made up the *outward Camp*, termed the *Camp of Israel*. Betweene each tribe, in every one of those foure quarters, there were distant spaces like streets, where there was buying & selling as in a market, and tradesmen in their shops, in manner of a citie leading to and fro. This Camp is thought to be round a *mile distant* from the *tabernacle*, that is, a *Sabbath daies journey*, & this is gathered from *Ios. 3. 4.* where the distance between the people & the *Ark* is commanded to be *two thousand cubits*.

After this, pitched the *Camp of Levi*: In the Easterne part *Moses, Aaron, and the Priests*: In the South, the *Cohabites*: in the West, the *Gershonites*: in the North, the *Merarites*.

In the middle was the *Camp of the Divine Majesty*. Unto this *David* alludeth; *God is in the midst of her*, she shall not be moved, *Psal. 46. 5.*

After the same manner, the parts of the *Citie Jerusalem* were distinguished, when the *Commonwealth* was settled. <sup>d</sup>From the *gate of Jerusalem*, to the *mountain of the Temple*, was the *camp of Israel*: from the *gate of the mountaine of the Temple*, to the *gate of the Court* (which was otherwise called *Nicanors gate*) was the *camp of Levi*: from the *gate of the Court*, & forward, was the *camp of the Divine Majesty*.

Furthermore wee are to know, that the *twelve Tribes* had between them foure principall banners or standards, *three Tribes to one standard*, for which reason, the *Church* is said to be terrible as an army

<sup>b</sup> *Ος δὲ δὴ τοῦ ἀλ-  
λῶ, ἡ πόλις κατα-  
σκευάσθη καὶ ἡ πόλις  
ἐκτετακτοὺς ἔδεικται.*

*Ioseph. l. 3. Antiq.  
c. 11. p. 57.*

*Tradunt Hebraei,  
filios Israelita ca-  
strametatos fuisse  
in circuitu taber-  
naculi, ut unum  
milliare intersue-  
rit (i.) spacium*

*mille passuum, &  
hoc erat iter Sab-  
bati, P. Fac.  
Num. 2. 3.*

<sup>d</sup> *Maimon. in  
Bethhabechirab  
cap. 7. §. 11.*

<sup>e</sup> Ἀρσενος ἕξις  
 ἄρσενος ἕξις  
 ἄρσενος.

בָּנֵי עֵר  
 טַרְטִיחַ

quisque juxta or-  
 dinatam suam a-  
 ctionem.

⁊ Jonathan V<sup>o</sup>cl  
 Numb. 2.3.

⁊ Dicunt in ve. illo  
 Ruben fuisse ima-  
 ginem hominis: in  
 vexillo Iehudab  
 imaginem leonis: in  
 vexillo Ephraim,  
 imaginem bouis:  
 in vexillo Dan,  
 imaginem aquile  
 P. Pag. Num. 2.  
 Aben Esra ibid.  
 ⁊ Angelus ex hoc

versu definiti pos-  
 sunt. Sunt enim  
 spiritus intelligen-  
 tes ut homo, poten-  
 tes ut Leo, mini-  
 stratorii ut Bos, &  
 celeres ut Aquila.  
 Tremel. in Ezek. 1.  
 k Hieronymus ad in-  
 ium sui commen-  
 tarii in Mat. 11.  
 Gregorius homil. 4.  
 in Ezek. ab Hiero-  
 nymo dissentit D.  
 Augustinus in  
 Mattheo, & Mar-  
 co, nam in leone  
 Mattheum, Mar-  
 cum, in homine  
 putat adumbra-  
 tum. Augustin. de  
 consensu Evange-  
 list. lib. 1. c. 6.

with banners, Cantic. 6.4. The Hebrew word Banner, Num. 2.2. the Greeke translatheth <sup>e</sup> Order; and so the Chaldee calleth it <sup>f</sup> Tekes (a word borrowed of the Greeke τῆξις) order: Whence the Apostle taketh his phrase, Everie man in his owne order, 1 Corinth. 15.23.

Everie banner was thought to be of three colours, & according to the colours of the precious stones in the brest-plate, bearing the names of their Patriarchs. But this proportion will not hold in all, seeing Levi (who is not here among the other Tribes) was in the brest-plate one of the twelve; and Joseph there grayed on the Berill, hath here two tribes, Ephraim, and Manasse, unto whom two colours cannot bee allowed from the brest-plate.

Each banner had his severall motto, or inscription.

In the first standard was wiitten, from Num. 10.25.

Rise up Lord, and let thine enemies be scattered, and let them that hate thee, flee before thee. <sup>a</sup> It is moreover

taught by the Hebrewes that each standard had a distinct signe engraven in it. Rubens standard had the image of a man: Iudabs the image of a Lion: Ephraims the image of an Oxe: and Dans the image of an Eagle.

These same foure creatures are used by Ezekiel 1.

10. to describe the <sup>1</sup> nature of Angels. Everie Cherubim is said to have foure faces; the face of a man, to shew his understanding; of a Lion, to shew his power, of an Oxe, to shew his ministratorie office; of an Eagle, to shew his swiftnesse in the execution of Gods will. The same description of Angels you may finde, Revel. 4.6.

By the same foure, in the opinion of many of the <sup>1</sup> Fathers are shadowed forth the foure Evangelists.

The

The man shadowed S. Matthew, because he beginneth his Gospel with the generation of Christ, according to his humanitie: The Lion Saint Marke, because he beginneth his Gospel, from that voice of the Lion roaring in the wilderness, *Vox clamantis in deserto*: The Oxe Saint Luke, because he beginneth with Zacharias the Priest: And the Eagle Saint John, who soaring aloft, beginneth with the Divinitie of Christ.

Thus have we seene how they pitch their Camps, their marching followeth: and here we are to consider: First, their marching in their journeyes thorow the wilderness. Secondly, their marching in their battels.

Concerning their marching in their journeyes, they either moved forward, or abode still, according to the moving or standing of the cloud, which conducted them: The manner thereof is described, *Numb. 10.* and summarily we may view it thus: when God took up the cloud, Moses prayed, and the Priests with trumpets blew an alarme, then Judah the first standard rose up, with Issachar and Zabulon, and they marched formost; then followed the Gershonites and Merarites, bearing the boords and coverings of the Tabernacle in wagons. The trumpets sounded the second alarme, then Ruben, Simeon and Gad rose up and followed the Tabernacle, and after them went the Cohabites, in the midst of the twelve Tribes, bearing on their shoulders, the Arke, Candlestick, Table, Altar, and other holy things. At the third alarme, rose up the standard of Ephraim, Manasses, and Benjamin, and these followed the Sanctuary, unto this David hath reference, when he prayeth, *Psal. 80. 2.* Be-



fore Ephraim, Benjamin, and Manasses, stirre up thy strength, and come and save us. At the fourth alarme, arose the standard of Dan, Asher, and Naphtali; and to these was committed the care of gathering together the lame, feeble, and sick, and to look that nothing was left behinde: whence they were called the gathering host, *Iosh. 6.9.* unto this, *David* alludeth; When my Father and my mother forsake me, the Lord will gather me, *Psal. 27.10.*

Concerning their marching in warre. First, the Priests sounded the alarme with trumpets, *Numb. 10.9.* this they termed <sup>1</sup>*Terugnah*. Secondly, one Priest was selected out of the rest, to stirre up the hearts of the people, and by a kinde of hortatorie Oration, to encourage them to the warre, *Deut. 20.2.* him they called *Vnctum belli*, The anointed of the battell. Thirdly, they marched on by five and five in battellaray, *Exod. 13.18.* so the <sup>m</sup> originall signifieth in that place.

In the last place, wee are to consider how they were to deale in besieging a Towne, for the conceiving whereof, note these two propositions.

1- They were to offer peace unto all forreiners, and Canaanites, *Deut. 20.10.* And this is cleerely signified; *Iosh. 11.19.* There was not a Citie that made peace with the children of Israel, save the Hivites, the inhabitants of Gibeon, all other they tooke in battell. For it was of the Lord to harden their hearts. Yet here Moab and Ammon are excepted, *Israel must not seeke their peace, Deut. 23.6.*

2. They were to make covenant with none of the seven Nations, *Deut. 7.2. Exod. 23.32. & 34.14.* With forreiners they might, *Iosh. 9.7.* peradventure you dwell

<sup>1</sup> תרועה  
Clangor, Vociferatio. Hebraei duplicem clangorem esse statunt alterumque vocari.  
הקריעה  
alterum  
תרועה  
quorum ille aquabilis est vox, hic citius concussusque fragor: ille ad convocandos catus, hic ad accendendos militum animos facit.  
חורשים

*dwell among us, and how shall wee make a covenant with you? Not, how shall we make peace with you.*

Some may question, what the difference was betwene *making peace*, and *making a covenant*? I answer, *twofold*. 1. The *making of peace* was a naked stipulation, or promise mutually made, for the laying aside of all hostile affections towards each other, whereby life on both sides might be secured: *Making a covenant*, was a solemn binding of each other to performance of this mutual promise, by outward ceremonies of "cutting a beast in twaine, and passing between the parts therof, *Ier. 34. 18.* as if they would say; *Thus let it be done to him, and thus let his body be cut in two, who shall breake this covenant.* Secondly, *peace* was not concluded by the *Israelites*, but onely upon these termes, *that the people should become tributarie unto them, Deut. 20. 11.* The *making of a covenant* was upon equall termes, without any condition either of tribute or service, as is gatherable from the *covenant* made by *Ioshua* with the *Gibeonites*, where there is no mention of any condition at all, *Iosh. 9.*

This difference seemeth to me war rantable, and serveth to reconcile many places of Scripture, as where *God* saith; *offer peace to all: and make a covenant with none.* Secondly, it sheweth the fraud of the *Gibeonites* to be greater than is commonly conceived, for they sought not *peace simply*, but a *covenant*. *Make a league with us, Iosh. 9. 6.* Thirdly, it salverth that common objection, made in defence of *unadvised oaths*, to prove them *obligatorie*, though *unlawfull*. The argument is framed thus: *The covenant which Ioshua made with the Gibeonites unadvisedly*

*Hec est causa  
cur Hebraei Fadus  
facere, dicant.*

*כרות הכרית*

(1) Dividere, aut  
dissecare fadus:

quæmodum a-

pucl Latinos, dicitur

Percutere fadu-

dius, quæ locutio

facit in faciendi

more. Sacerdos

enim ferebat por-

cum filice, dicens,

Sic à Iove servatur

is, qui sanctum hoc

frugeris fadus, ut

ego hunc porcum

ferio. Livius De-

cad. 1. lib. 1. p. 17.

was unlawfull: but that was observed by him, and the breach thereof, when Saul slew the Gibeonites, punished by God, 2 Sam. 21.1. Therefore, &c. I say it salverth that objection, because if we diligently observe *Ioshuabs* practice, we shall finde *unadvised oathes* to be so farre, and only so farre binding, as they agree with Gods Word. Gods Word required the Gibeonites should have their lives secured, because they accepted peace; thus faire therfore the covenant was still of force: Gods word required, that the Canaanites after the acceptation of peace should become *tributarie*; here the covenant was not of force, and therefore *Ioshuab* made them *hewers of wood*, and *drawers of water*, which is a kinde of tribute in the language of the Scripture, a tribute of the body, though not of the purse, in which sense the *Egyptian task-masters*, are in the originall called *tribute masters*, Exod. 1.11.

## CHAP. IX.

*Their Measures.*

**M**asures in use among the Hebrewes, and so among all other Nations, they are of two sorts: some *Mensure applicationis*, measures of application, as a span, a cubit, a yard, and the like. Secondly, *Mensura capacitatis*, Measures of capacitie, as pints, quarts, pecks, bushels, &c. Measures of application, mentioned in Scripture, are these that follow; in which that there might bee no deceit, the ground of these measures was the breadth of so many, or so many barley cornes middle sized laid by one another *אמה* *Elshang*, *Digitus*, a finger, an inch.  
one

\* It containeth the breadth of six barley cornes joined together where they are thickest: though in round reckoning, it goeth for an inch, yet in accurate speaking \* *four fingers make three inches*. Of this there is mention, *Ierem. 52.21*.

\* *Arius Montan. Thubal Cain.*

\* *Quatuor digiti  
constituunt tres  
pollices. Franc.  
Iunius in Ezek.  
40.5.*

*Palmus*, this was two-fold; *Palmus minor*, and *Palmus major*. The lesser containeth the breadth of four fingers, (i.) three inches: the Hebrewes terme it, טפח *Tophach*, the Greeks *μακισδα*: the greater is termed זרע *Zereth*, by the Greeks *μαδαυδ*; in Latine, *Spithama*, & *Dodrans*. It containeth the measure that is betwene the thumb and the little finger stretcht out, a span.

פד *Pagnum, Pes*, A foot. It containeth twelve inches.

\* *Quatuor palmos  
sunt minores. Pet.  
Martyr. 1 Reg. 6.6.*

אמה *Amma, Cubitus, Acubit*. We shall finde in Authors mention of four kinds of cubits. 1 *Cubitus communis*, this was the measure from the elbow to the fingers end; it contained a foot and halfe, or halfe a yard, it is called the common cubit. 2 *Cubitus sacer*, A holy cubit, this was a full yard, containing two of the common cubits, as appeareth by comparing 1 *King. 7.15*. with 2 *Chro. 3.15*. In the first place the pillars are reckoned each of the eighteen cubits high: in the second place they are reckoned five & thirtie cubits high, which together with the basis, being one ordinarie cubit high, doubleth the number; so that the first text, is to be understood of holy cubits: the second of common cubits. 3 *Cubitus regis*, the Kings cubit; this was three fingers longer than the common cubit: Whereas the common cubit is termed *cubitus viri*, the cubit of a man, *Deut. 3.11*. Onkelos doth improperly terme it *cubitus regis*, the Kings cubit. Lastly, the

\* *Herodot. lib. 2.  
in descript. Baby.*

there was *cubitus geometricus*, A geometrical cubit, it contained six common cubits, <sup>d</sup> and according to these cubits, it is thought that Noahs Ark was built.

<sup>d</sup> Orig. hom. 2. in Genes. 11. August. de civitat. Dei. lib. 15 cap. 17.

Some make the difference betweene the cubit of the Sanctuarie, and the common cubit, to be thus: The *Quintus palmos* common cubit, they say contained <sup>e</sup> fiftene inches; the *holy cubit* <sup>f</sup> eightene inches. But that the *holy cubit* contained two common cubits hath been evidently proved, and it is probable, that those who make the difference to be only three inches, have mistaken the *Kings cubit* for the *holy cubit*.

<sup>e</sup> Quintus palmos.

<sup>f</sup> Sex palmos.

**חבל** *Chebel*, *Funiculus*, A line or rope. The just length thereof is unknowne, the use thereof, was to measure grounds, whence it is sometimes taken for the inheritance it selfe. The lines are fallen to me in pleasant places, *Psalm*. 16. 6. That is, mine inheritance.

**קנה** *Kaneh*, *Arundo*, the Reed. The use of this, was to measure buildings; the length thereof was six cubits and an hand-breadth, *Ezek*. 40. 5. The cubits in this place, are <sup>\*</sup>interpreted *Kings cubits*; it was lesse liable to deceit than the rope, because it could not be shortened, or lengthened, by *striking* or *stretching*; hence the Canon or rule of the holy Scripture is mystically typed out by this Reed, *Ezek*. 40. And *Revel*. 21. 15.

<sup>\*</sup> Tremellius in hunc locum.

To these may be added other measures, wherewith they measured their wayes, and walks. The least of these was **פסגד** *sagad*, *Passus*, A pace.

**סלודור** *Stadium*, A furlong. It is often mentioned in the New Testament, not at all in the Old. <sup>\*</sup> It contained one hundred twentie five paces, which is the eighth part of our mile. Some thinke it to be called so *סלוד* & *סלודור*, from standing, because *Hercules* ran so much

<sup>\*</sup> *Isid.*



*much ground before he stood still.*

*Milliarium, A mile:* it containeth with us a thousand paces, but much more among the *Hebrewes*. Their word *מיל* *Barab*, translated often *Milliarium*, properly signifieth *a dinner or meale*, and being applyed unto *journeyes, walks, or waies*, it signified so much ground as usually is gone, or conveniently may be travelled in halfe a day, *betwene meale and meale, or bait and bait*. The word is read, *Gen. 35. 16*. When there was *כבוד הדרך* *Cibrash haaders* about halfe a daies journey of ground. The *Greeke* in that place hath an uncoth word, *αδελφω*, doubtlesse it was made from the *Hebrew* *Cibrash*, and signifieth *halfe a daies journey*.

Their measures of capacity, termed *Mensurae capacitates*, were of two sorts. Some for dry things, as *corne, seed, &c.* Some for liquid things, as *Wine, Oyle, &c.* In both that there might be a just proportion observed, all their measures were defined by a set number of *ben ege shekels of a middie size*.

In my paralleling of them with our measures where I speak of *Bushels, Halfe-Bushels, Pecks, &c.* I am to be understood according to *winchester measure*, as we phrase it, such a bushell containeth eight gallons. Where I speak of *Gallons, Portles, Quarts, &c.* I am to be understood according to our *ale-measure*, thereby I avoid fractions of number.

*קב* *Kab, Kabah, A Kab.* This contained twenty four egges, it held proportion with our *Quart*. The least measure mentioned in Scripture, is the fourth part of a *Kab*, *1 King. 6. 25*. The famine in *Samaria* was so great, that a fourth part of a *Kab* of doves dung was sold for five pieces of silver. The *Rabbins* have

*\*Arrius Montanus.  
Thubal, Cain.*

עשרה קבין a Proverbe, That ten Kabs of Spicery descended into  
 שיהיה יריה the world, and the women took away nine of them.  
 לעינים

השמיני עומר Omor. It contained \* one Kab and an halfe,  
 and a fifth part of a Kab, that is, three pints and an halfe  
 pint, and a fifth part of an halfe pint. It was the  
 tenth part of an Ephab, Exod. 16. 36.

פסח Seah, *וְיָרָם, סִימָן*, the Latine Interpreters  
 commonly render it by Modius. It contained \* six  
 Kabs, that is, A Gallon and halfe. Wee translate the  
 word in generall *Ameasure*: To morrow this time  
 a measure (that is, a Satum) of fine flower shall bee  
 sold for a Shekel, 2 King. 7. 16.

אמה Ephab. It contained three Setai, that is, halfe  
 a bushell and a portle.

לֶחֶב Lethec. It contained \* fiftene Modius (i.) Sa-  
 ta, that is, two bushels, six gallons and a portle. Men-  
 tion of this is made, *Nos. 3. 2*. It is here rendred in  
 English, *half an Homer*.

חומר Hamen. It is so called from *חמור* Chamor,  
*Asinus*, an Asse, because this measure contained so  
 much graine of corne, as an Asse could well beare.  
 It contained ten Ephabs, Exod. 45. 21, that is, Forty  
 five gallons, or five bushels and five gallons.

קור Cor. Cor m. The Cor and the Homer were of  
 the same quantitie, Exod. 45. 14. It was not only of  
 liquid things, Lev. 16. 7.

These measures of which we have spoken hither-  
 to the Hebrews used in measuring of dry things:  
 Three other measures there were, which they used  
 for liquid or moist things.

לוג Log. It contained \* six egge-shells. It was of  
 the same quantitie as the fourth part of a Kab, Halfe  
 a pint.

\* Buxtorf in loco  
 Superioris citato.

*an Hin.* It contained the quantity of *seventy* <sup>But see libid.</sup> *two egge-shells*, so that it was of our measure three quarts.

*an Bath, Bath, Bathus, the Bath.* It was of the same capacitie with the *Ephah*, the tenth part of an *Homer*, *Ezek. 45. 14.* The *Latine* interpreters commonly render it *Cadus*. <sup>1</sup> *Hierome* writing upon *Ezekiel*, renders it *Vadus*. *Decima pars Cori, inquit, in speciebus liquidis vocatur bathus, five vadus.* I sometimes thought there had beene some error in the print, namely, *Vadus* put for *Cadus*: But now I find the *Greeks* to use both *Bath*, and *Bathos*, for this measure, and from the last of these *Greeke* words, that ancient *Father* reads it *Vadus*. Sometimes our *Englishe* renders it in generall *A measure*, *Luke 16. 6.* It contained foure gallons and an halfe.

All these measures were proper to the *Hebrews*; I find three other mentioned in the *N. T.* taken from other Nations.

*Sextarius.* We *Englishe* it in generall, *A pot*, *Marke 7. 4.* <sup>1</sup> it was of the same quantity with the *Log*, if we understand it of the *Romane Sextarius*. It was somewhat more, if we understand it of the *Attick Sextarius*, *undecim Attici sextarii aequabant Romanos duodecim.* In probability we are to understand the *Romane* measure, so that it contained six egges, that is, *halfe apint*.

*an E. Chance.* *A measure, Revel. 6. 6.* It signifieth properly that measure of corne, which was allowed servants for their maintenance every day. Whence was occasioned that speech of *Pythagoras*; *Super Chance non sedendum*; that is, *wee must not rest upon the provision which sufficeth for a day, but we must take*

<sup>1</sup> Budens de affe.  
lib. 5.

<sup>1</sup> Budens de affe.  
lib. 5.

care for the morrow. It contained *four Sextarii*, that is, *Aquarta*.

*Merculis, Metrets, Joh. 2. 6.* It is translated *A Firkin*. It was a measure in use among the *Athenians*. It was of the same quantitie with *Cadus*, and *Cadus* (as before was noted) was equall to the *Hebrew Bath*, so that it contained *four gallons and an halfe*.

**CHAP. XI.** *Of the Coins of the Jews.* *Their Quinex, first of brassen Coines.*

**T**hat they might have just *Coines* and *weights*, they weighed both them and their *weights* by *barley cornes*.

*Ministram, A mite, Luke 21. 40. Mark 12. 42.*

מִינִיסְטָרָם  
מִשְׁקָל  
שֶׁנֶּהֱיָה

Moses Kotsen. fol.  
124. col. 4.

The latter *Hebrew* call it *Ministram*, the *Syriake* *Ministram* (i. *Ostava* the eighth part of *Assarium*). It weighed *half a barley corne*. It valued of our money, three parts of one.

*Kadisma, Quadrans, A farthing.* It was a *Roman* coine, weighing a graine of *barley*, it consisted of two mites. The poore widow threw in two mites, which make a farthing, *Mark 12. 42.* by consequence it valued of ours.

*Assarius, Assarius, vel Assarium.* It was a *Roman* coine weighing *four graines*. The *Rabbins* call it *Assarius*, and say that it containeth *eight mites*. Of this we read, *Mark 10. 19.* Are not two sparrows sold for (an *Assarium*) our English readeth it *for a farthing*. It valued of ours in presen speaking, 9. 9.

\* Drusius in praeter Luc. 12. 59.

Their

*Their silver coines.*

**גֶּרָה** *Gera's*. It was the twentieth part of the Shekel of the Sanctuary; *a Shekel is twentieth Gerahs*, *Exod. 38. 23*. It was the least silver coine among the Hebrews; It valued of ours 1 *Sh.*

**מָנָה** *Manah*. Wee English it in generall, a peece of silver, *1 Sam. 2. 36*. But it appeareth by the *Chaldee Paraphrase*, that it is of the same value with *Gerah*; that *Paraphrase* renders both *מָנָה* *Manah*, by the Greeke they are both rendred *δραχμή*, the value thereof therefore is 1 *Sh.*

**לֶשֶׁת** *Leseth*. The word signifieth a lambe, and is used for a certaine coine among the Hebrews, on the one side wherof the image of a lambe was stamped, our English reads it in generall a peece of money. *Jacob* bought a parcell of a field for an hundred peeces of money, *Gen. 33. 19*. In the originall it is for an hundred lambs. But it is apparent, that *Jacob* paid money, for *S. Stephen* saith, hee bought it for money, *Act. 7. 16*. In the judgement of the *Rabbins*, it was the same that *Obolus*, twenty of them went to a Shekel. So that the value thereof was 1 *Sh.*

**סֶסֶרְטִיּוּס** *Sesertius*, *Argentus*, a peece of silver; as the *Romans* numbred their summes by *Sesterces*, in so much that *Nummus* is often-times put absolutely, to signifie the same as *Sesterius*. So the Hebrews counted their summs by *shekels*, and the *Grecians* by *Drachma*, hence *Argentus*, a peece of silver, being put absolutely in the bible, if mention in that place be of the Hebrew coine, it standeth for a shekel, and valueth 2 *S. 6 D.* if it stand for the shekel of the Sanctuary: if it stand for a common Shekel, then it valueth

*n R. Solm. Gen. 33. 19. It R David. in lib. radic. It Le. vi ben Gers. Gen. 33. 19. Draf. addiffic. loca Gen. p. 119.*



eth 1  $\text{£}$ . 3  $\text{d}$ . But if mention bee of the *Greeke coines*, as *Act. 19. 19.* then it signifieth the *Attick Drachma*, which valueth of our money 1  $\text{d}$ . 6.

P Breerwood; de  
M. 127.

*Δραχμα* Luke 15. 8. It was a quarter of a *shekel* and thus by consequence it valued of ours 7  $\text{d}$ . 6.

*Διδραχμα*, *Didrachma*, *Matth. 17. 24.* Wee English it tribute money: The *Syriak* readeth 1 *Doo Zuzim*, now that coine which was termed *Zuz* by the *Hebrewes*, was answerable to the *Romane denar*, whence it appeareth that it valued of ours 1.  $\text{£}$ . 3. 6.

*Στατήρ*, *Stater*. Wee English it a peece of money at large, but it contained precisely two *didrachma*. For the tribute money to bee paid for each person, was *Didrachmum*, as is evident; *Matth. 17. 24.* and this *Stater* was paid for two, namely, for *Christ* and *Peter*; the value of it therefore was 2  $\text{£}$ . 6  $\text{d}$ .

*Δέναντιον*, *Denarium*, A penny. This was their Tribute money, *Matth. 22. 19.* There were two sorts of pence in use among them; the common penny, which valued of ours 7  $\text{d}$ . 6.

Yremer *Matth.*  
22. 19.

And the penny of the *Sanctuary*, which valued 1  $\text{£}$ . 3  $\text{d}$ . For it was answerable to their *Didrachmum*, and of this last wee must understand Saint *Matthew* in this place, for their Tribute money was *Didrachmum*, as before hath been noted out of *Mat. 17. 24.* This *Didrachmum*, or halfe *shekel*, was formerly paid by the *Israelites*, every yeare after they were twenty years old, towards their Temple, *Exod. 30. 13.* *Cesar* by taking away this money from the Temple, and changing it into a Tribute for his owne coffers, did in truth take away from God that which was Gods. Hence in that question proposed unto *Christ*, Is it lawfull to give tribute unto *Cesar* or not?

Aben *Esra* *Nebem.* 10. 39.

not 3: Christ answereth, Render unto Caesar the things  
that are Caesars, and unto God the things that are Gods.

This very Tribute afterward was paid by the Jews  
towards the Roman C. pitoll, by vertue of a decree  
made by Vespasian.

Joseph de bello  
lib. 7. cap. 26.

It was the fourth part of a Shekel of silver;  
It valued therefore of ours 7 ō. ob.

והדבר  
שקל כסף  
עליו תבוא

Shekel, Siclus, A Shekel. It was two-fold; Si-  
clus regium, The Kings shekel, of common use in buy-  
ing and selling, it valued 18. 3d. And siclus Sanctu-  
arii, The shekel of the Sanctuary, it valued 28. 6d.

The shekels of the Sanctuary were of two stamps.  
The one was alwaies in use among the Jews: the  
thirty peeces of silver which Judas received, are thought  
to be thirtie shekels of the Sanctuary. It had stamp on  
the one side, the pot of Manna, or as others thinke  
Aarons Censer, or Incense cup: the inscription on  
this side was שקל ישראל The shekel  
of Israel: on the reverse side, was stamp Aarons rod  
budding, with this inscription about the Coine;  
יהוה אלהינו יהוה אחד Ierushalaim hakedushah. Af-  
ter the coming of our Saviour, the Jews which  
were converted to the Christian faith, changed  
their shekel, and on the first side stamp the Image  
of Christ with  $\omega$  at the mouth of the Image, and  
in the pole, which three letters made his name  $\omega$   
fa. On the reverse side there was no picture, but  
the whole rundle was filled with this inscription;  
משיח בן דוד מלך ישראל (i.) Messias ben dauid rex israel  
est vita. In some coines, for the latter clause of that  
inscription is read,  $\omega$  מלך ישראל (i.) Dous ho-  
mo est fatus.

Alfred præcogit

The

The *King's Shkel* in *David* and *Salomons* time, had stamp on the one side, a kind of tower standing between *קד* and *מלך* and underneath was *יְרוּשָׁלַם*. The whole inscription was, *Ierusalem urbs sanctitatis*: On the reverse side, the tundle was filled with this Hebrew *רַבֵּן שִׁלְמֹה הַמֶּלֶךְ דָּוִד רַבֵּן חִמְלֵן*. *David rex, & filius eius Salomon rex.*

The *Shkel* againe was divided into lesser *coines*, which had their denomination from the parts thereof. Thus we read of the halfe *Shkel*, *Exod. 30. 13.* The third part of a *Shkel*, *Nehem. 10. 32.* The quarter of a *Shkel*, *1 Sam. 9. 8.*

Their gold Coines.

*זָהָב* *Zahab*. The English reads it, *A peece of gold*, *2 King. 5. 5.* By it is meant, that which elsewhere is called *Siclus auri*, *A Shkel of gold*, *1 Chron. 21. 25.* Hence the one thousand seven hundred peecees of gold mentioned, *Iudz. 8. 26.* The *Greeke* renders 1700.

*שֶׁקֶל* *Shelkels* of gold. The weight of this Coine was two Attick drams, the value 2 s. 8 d.

*אֶדָרְכָן* *Adarcon*, of this we read, *Esr. 8. 27.* It was also called *דְּרַכְמָן* *Drackman*, of which wee read, *Esr. 3. 69.* Both these names seeme to denote the same coin, if not, yet both were of the same weight. The *Greeke* interprets them both by *δραχμή*, and our English accordingly renders both *A dramme*: which must bee understood of the *Drammes* in use among the Hebrews, weighing two Attick drams, From the *Greeke* *δραχμή*, *Drackman* seemeth to have had its name. He conjectureth not amisse, who thinketh that *Adarcon* was so called, quasi *Daricon*, which

<sup>u</sup> *Σίκλος χρυσίου*, &c.

<sup>x</sup> *Breerwood de nummis.*

<sup>y</sup> *Breerwood de nummis.*

which was a certaine coine of gold in use among the *Persians*, and from *King Darius* (whose image one side thereof bore) was named *Daricon*, and amongst the *Chaldeans* is often prefixed before a word, as *ḥ* is amongst the *Hebrewes*. The value of this coine was of ours 15. *℔*.

*Their Summes.*

Their *Summes* were two *מנה* *Maneh*, *מנא*, *Mina*, a Pound. In gold it weighed one hundred *Shekels*. This appeareth by comparing these texts, 1 *King*. 10. 17. *Tres מנרים* *Manim*, Three pound of gold went to one shield. Now we read, 2 *Chron*. 9. 16. Three hundred *Shekels* of gold went to one shield. The name *Shekels*, is not expressed in the originall, but necessarily understood, as appeareth in that which was spoken of *Zahab*. For it is a received rule, that in Scripture, *Aurum* being put with a numerall, signifieth so many *Shekels* of gold: and so *Argentum* in like manner. The weight thereof then being one hundred *Shekels*, it followeth that the value was 75. *℔*. In silver their *Maneh* weighed sixty *Shekels*, *Ezek*. 45. 12. so that it valued 7. *℔*. 10. *℔*. Note, that <sup>= Sheindler. in</sup> *Sheindler* was deceived, in saying that the price or value of the *Maneh*, was changed in *Ezekiel's* time, because it then valued 60. *Shekels*, for the difference is not between the sacred and prophane *Maneh*, as *Sheindler* conceiveth it; between the *Maneh* of gold, which was valued at an hundred *Shekels* alwayes, and the *Maneh* of silver, which weighed 60. *Shekels*, according to the fore-quoted place in *Ezekiel*.

The second summe was כֶּסֶף *Cicar, Talentum, A Talent*. This if it were of silver, it contained in weight three thousand *Shekels*. For those two verses being compared together, *Exodus* 38. 25, 26. sheweth that six hundred thousand men, paying every man halfe a *Shekel*, the whole summe amounteth to an hundred talents; whence it followeth, that A *Talent* of silver amongst the *Hebrewes*, was 375. l. But a *Talent* of gold (the proportion of gold to silver being observed) was twelve times as much, so that it valued of ours, 4500. l.

In this tract of their coines we are to know three things. First, that as the *Romans* in the former ages, used, *As grave, Bullion money*, unstampt, which in the *Mass* or *Billo* they weighed out in their payments; and afterward, *As signatum, coined metals*. So the *Hebrews*, though at last they used coined money, yet at first they weighed their money, uncoined; *Abraham* weighed to *Ephron* the silver, *Gen.* 23. 16. Hence the *Shekel* had its name from שֶׁקֶל *Shakal, ponderare, librare, To weigh, or put in the balance*. Secondly, as the coined *Shekel* was two-fold; one for the use of the *Sanctuarie*; the other for the use of the *Commonwealth*, and that of the *Sanctuarie*, was double the price of the other. So the weight of the *Shekel* is to be distinguished after the same manner; the *Shekel* of the *Sanctuary* weighed halfe an ounce *Troy weight*; the common *Shekel* weighed a quarter of an ounce. For example, *Goliath*s spearhead weighed six hundred *Shekels* of the *Sanctuary*, 1. *Sam.* 17. 7. that is, twenty five pound weight: *Absolom*s haire weighed two hundred *Shekels* after the *Kings weight*, 2. *Sam.* 14. 26, that is,



four pound weight and two ounces. Yea the summes, which I have reckoned only according to the Sanctuary, in common use according to the Kings weight, they abate halfe their value.

Thirdly, the lesser coynes were in generall termed *Κέρματα*, or in the singular number *Κέρμα*, *Iohn 2. 15.* The word signifieth properly a small quantity, or little peece of metall, such as may bee clipt off from coines. <sup>a</sup> Upon the first of the moneth *Adar* Proclamation was made thorowout *Israel*, that the people should provide their halfe-Shekels, which were yearly payed toward the service of the Temple, according to the commandement of God, *Exodus 30. 13.* <sup>b</sup> On the twentieth of *Adar*, then they brought tables into the Temple (that is, into the outward court where the people stood) on these tables lay these *Κέρματα*, or lesser coynes, to furnish those who wanted halfe Shekels for their offerings, or that wanted lesser peeces of money, in their payment for oxen, sheepe, or doves, which likewise stood there in a readinesse in the same court to bee sold for sacrifices: but this supplie of lesser coynes, was not without an exchange for other monie, or other things in lieu of monie, and that upon advantage. Hence those that sat at these tables, as chiefe bankers or Masters of the exchange, they were termed *Κηρυαλισται*, in respect of the lesser coynes which they exchanged, in respect of the exchange it selfe, they were termed *Κολλαρισται*, for <sup>c</sup> *Κόλλαρις* signifieth the same in Greeke, as *Cambium* in Latine, whence those letters of exchange, which the Latines call *Litteras Cambii*, the Greekes call *σύμβολα Κολλαρισται*, *Tic-*

<sup>a</sup> *Moses Kotsenf. de Sicius fol. 122. col. 2.*

<sup>b</sup> *Moses Kotsenf. ibid.*

<sup>c</sup> *Κόλλαρις, inquit Ροδικες, ερ- πως' αλλα γη. vid. Drus. Annot. in N.T. part. alter.*

*kers of exchange*; in respect of the *tables* at which they *sat*, they are termed by the *Talmudists* שולחנים *Schalcanim*, from שולחן *Schulchan*, *Men-  
sa*; for the same reason they are sometimes termed by the *Greekes* *μαρτυροι*, and by the *Latines* *Mensarii*. These are those *chargers of money*, which our *Saviour* drove out of the *Temple*.

## FINIS.



THE  
NAMES OF AVTHORS  
cited in this Booke.

A

**A** Ben Esra.  
Aboth. vid. Pirke Aboth.  
Eschines.  
Alexander Neopol.  
Alstedius.  
Ambrosius.  
Aquinas.  
Aristoteles.  
Arias Montanus.  
Aristophanes. Aurelia Albrogum.  
Artemidorus.  
Arhenans.  
Augustinus. Colonia Agrippina.  
1616.

B

**B** Aal turim.  
Beda.

BeUarminus.

Bertramus.

Biza.

Bodinus.

Brerewood.

Buxtorfius.

Budaeus.

C

**C** Aninius.

Capnio. vid. Reuchlin.

Carion.

Casaubonus.

Cælius Rhodigiens.

Chazcuni.

Chemnitius.

Chimchi, alias R. David Kimchi.

Chrysostomus.

Elemens Alexandrinus.

Cicero.

Qq 3

Concilium

Concilium quinum sextum.

Syrillus.

Cyprianus.

Cunaeus. Lugduni Batavorum.

1617.

Genebrardus.

Gorionides.

Gregorius Nazianzen.

Gyraldus.

D

H

**D**Emosthenes.

Venetis.

1554.

Diodorus Siculus.

Dionysius Halicarnass.

Drusus de tribus sectis. Franc-  
kera. 1619.

**H**erodians.

Herodotus.

Hesiodus.

Hieronymus. Basilia.

1516.

Homerus.

Horatius.

Hospinianus. Tiguri

1611.

E

I

**E**Lias Thubites.

Epiphanius.

Erasmus.

Euripides.

Eustachius.

Eusebius.

**I**Alcut. Cracovia

1595.

Iansenius.

Iosephus. Aurelia Allobrog.

1611.

Jonathan.

Iunius.

Iustin. Martyr.

Iustin. histor.

Iuvenalis.

Ilmedenu.

F

**F**racius.

Fagius.

Firmicus.

G

K

**G**Alatinus.

Francofurti

1612.

Gollins

**K**Imchi. vid. Chimchi.

LaBantius.

## L

**L** Laëtantius.  
 Laertius.  
 Levi ben Gersom.  
 Lipsius.  
 Livius.  
 Lucanus.  
 Lucianus.  
 Lyranus.

## P

**P** Philo Iudæus. Colonia Al-  
 lobrog. 1613.  
 Pirke Aboth.  
 Plautus.  
 Plinius.  
 Pierius. Basilia. 1575.  
 Plutarchus.  
 Procopius.  
 Prudentius.

## M

**M** Acrobatus.  
 Magius.  
 Maimonides lib. 1 ad Venetis.  
 1574.  
 Masius.  
 Maximus Tirius.  
 Montacutus.  
 Moses Korfensis. Venetis.  
 1557.  
 Munsterus.  
 Musar.  
 Modestus.

## R

**R** Euchlinus (pro quo citatur  
 Capnio perperam) Franco-  
 furti. 1612.  
 Rosinus.  
 Ruffinus.

## S

**S** Ederolam minus.  
 Septuaginta interpretes.  
 Serarius.  
 Scaliger } De emend. temp. Lu-  
 } retia. 1583.  
 } Triharez. Franckera  
 } 1619.  
 Sheindler.  
 Sigonius.  
 Scholiastes Aristophanis.  
 Solomon Iarchi.  
 Solinus.

Sozomenus.

## O

**O** Ecumenius.  
 Onkelos.  
 Origines.  
 Ovidius.

tius.



Sozomenus.  
Statius.  
Stukius.  
Suetonius.  
Suidas.  
Syrus interpres.

Thübitas.  
Tiraquellus.  
Toletus  
Tremelius.

V

T

V Atablu.  
Valerius Max.

T Almu'd Babylonicum.  
Talmud Hierosolymitanum  
Targum Vzielidis, sive Ionatha-  
ni.

Varro.  
Virgilius.

X

Targum Onkelos.  
Targum Hierosolymitanum.  
Tertullianus. 1609.  
Theophylactus.  
Theodoretus.  
Theophrastus.  
Tholosanus.

X Enophon. Basileæ 1569.

Z

Z Epperus.  
Zohar.

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ROMANÆ  
HISTORIAE  
ANTHOLOGIA  
RECOGNITA ET  
AVCTA.

AN  
ENGLISH EXPOSITION  
OF THE ROMAN ANTI-  
quities, wherein many Roman and  
English offices are paralleld  
and divers obscure phra-  
ses explained.

*For the use of ABINGDON Schoole.*

Newly revised and enlarged by the  
*Author.*

OXFORD,

Printed by *John Lichfield* for  
*Henry Cripps.*  
A.D. 1633.



ROMANA  
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AN  
ENGLISH TRANSLATION  
OF THE ROMAN ANTI-

For the use of the Schools.  
Newly revised and enlarged by the  
Editor.

OXFORD,  
Printed by John Baskin for  
Henry Colver.  
A.D. 1838.

**VIR O**  
**COLENDISSIMO**

**D<sup>o</sup> IOANNI YOUNG SS. THE.**  
**OLOGIE DOCTORI, & Eccle-**  
**sia WINTONIENSIS Decano**  
**Ornatissimo.**

*Vir Ornatissime,*

**N**ON liberi quam libri plu-  
ribus exponi periculis so-  
lent, cum primum prode-  
ant in lucem: utriusque pari-  
ter opus est tutelari aliquo  
numine obstermicante. Hoc  
olim sentit Anthologia hæc nostra primum  
edita: idem sentit eadem in hodierna dua-  
rum sectionum, & capitulorum aliquot su-  
perfectione. Nacta igitur secundas suas co-  
gitationes te ambit Patronum, qui facem a-  
liquam mihi in his antiquitatibus obambu-

THOMAS GODWIN **lanti**

lanti praestanti, & in studiis meis promouendis, patam, & sub Dio  
prædico Videbis me aliquoties, autem a do-  
ctissimis viris, & ab illis qui sententiis alienum  
Veritate enim præponderante, nullus apud  
me Plato, nullus erit Aristoteles, (nolo ego  
isti modum in faciam in facere, ut nonne  
didam & auctoritatem.) Caterum faciens hoc  
facio, & apud me, citra omnem velitationis  
pulverem, raro admodum quovis protracto  
in arenam, ne videar ex illorum numero, qui  
ex nuda pugna cum adversario aliquo exi-  
mio commissa, gloriolæ nescio quos fumos  
sibi pollicentur. Hac scribere, & tibi  
placeat, alios non moror, quibus simplex  
veritas non arriseret, cum magni nominibus  
deviare per me licebit. Vale, & Musas,  
ut soleas amare, illas quod jam faciunt, te colent  
semper, & omni obsequio prosequuntur.

Datum Abindonia 14. Calenda. Decemb. Anno.

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## BENEVOLO LECTORI

*Ευαγγελιον, Ευαγγελιον.*



**M**IRARIS forsan & redarguis, quòd nondum destitum ab his elementaribus, quasi vita mihi vitalis foret, in his minutijs integram meam ætatem eludere, & votum vnicum in his prævijs studiis senium contrahere. Qui sic sentis, nec me satis, noris, nec ludi literarij (pone lenocinium nominis, moletrinae dices) iniquas leges, aut miseras quotidianas, & omnigenas. Sentio ego me in pistrinum damnatum, & cogita tu hanc Anthologiam è pistrino prodeuntem. Si minus placeat, illud dabis puerorum circumstrepentium susurris, inter quos nata est: Si placeat, illud debes puerorum crebris interrogatiunculis, quantum enodationes, me vel invitum indices reducant ad hæc studia, quæ alias jamdudum jussissem suas sibi res habere: Sic me amet Theologia, sacratior mihi pagina in votis, cum hæc in manibus, ludo cogente. Interim te monitum velim, quæ accessere, non vulgaria, aut obvia, nec quæ vulgus hominum aut docuit, aut didicit. Vale.



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2. The first step is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

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A short table shewing the Argument of  
every Booke and Section.

1 Of the Roman city. Self.	1. Of the chiefe parts thereof. 2. Of the general divisions of the Roman people. 1. Of certaine general divisions of their Gods. 2. Of their Roman Priests with some particular Gods, together with their rites in marriages and burials.
2 Of the Roman Religion. Self.	3. Of the Roman games, which endeth with their manner of taking meat.
Lib.	1. Of their assemblies called Comitia, which Section is begun with the Roman yeare, concluded with two chapters of Roman garments.
3 Of the state political. Self.	2. Of their civill Magistrates, 3. Of their civill punishments. 4. Of all those lawes which I have observed to be touched in Tully his orations.
4 Of the art military, as it was practised by the Romans. Cap.	1. Of their manner observed in establishing their leagues. 2. Of the Roman Legion and the parts thereof. 3. Of the manner of besieging a city. 4. Of the punishments towards their enemies captivated. 5. Of punishments towards the Roman soldiers offending. 6. Of certaine rewards after the performance of any noble exploits.





# THE ROMANE ANTIQUITIES

*Expounded in English.*

LIB. I. Sect. I.

*Of the chiefe parts of the City.*

CAP. I.

*De modo condendarum, delendarumq; Urbium.*



Before we handle the description of the particular places in the Romane Citie, it will not be amisse to promise some what concerning the ancient manner of building and raising Cities. In the building of Cities, the founders thereof did vsually consult with their Gods in their *Augurall* obseruations; and this course was obserued by *Romulus* himselfe, in the first foundation of *Rome*; After their *Augurall* obseruations, they marked out the place where the wall of the Citie should bee built, by plowing vp the ground, and because they left that space of ground unplowed, lightly lifting the plough over it, where they appointed

A

a M. Tullius  
lib. i. de diu-  
nac.

poin-

b M. Cato in  
fragm.

pointed the gate of the city, thence à *portando*, from cariying and lifting the plough, they called the gate *Porta*. This custome is fully described by *Cato: Capito angurio, qui urbem novam condebat, tauro & vaccâ arabat: ubi arâset, novum faciebat, ubi portam volebat esse, aratrum tollebat & portam vocabat. Virgil also alludeth vnto it,*

*Interea Aeneas urbem designat aratro,*

The manner hereof was, that he who held the plough, did cast vp the skirt of his gowne on the right shoulder, and gird himselfe about, either because this was the vsuall habit of such who performed holy rites; in the number of which this present action was reputed; or that he might the more readilie addresse himselfe to the businesse; or lastly, that hee might symbolically by that pacificall habit intimate, that the flourishing estate of a Citie is not so much preferred by warre, as by peace. Hence *Ovid. lib. 4. Fastorum.*

*Ipse tenens stiuam, designat mania sulco,*

*Alba iugum niseo cum bone vacca tulit.*

c Cæli Rhod.  
antiq. lib. 26.  
cap. 5.

The like custome was vsed also in the razing or demolishing of Cities, when they had beene vanquished by the enemies, which obseruation giueth light to that of *Horace. Lib. I. Od. 16.*

*\_\_\_\_\_urbibus ultima*

*Stetere causa, cum perirent*

*Funditus, imprimeretque muris*

*Hostile aratrum exercitus insolens.*

## CAP. 2.

### *De monte Palatino.*

d Vid. Anton.  
Constantium  
in Ouid. Fast.  
lib. I,

**T**ouching the name of *Rome*, from what occasion the City should be so denominated, diuers authors conceit diuersly. <sup>d</sup> Some are of opinion, that this Citie was built long before *Aeneas* came out of *Troy*, & was then called by the

Of the chiefe parts of the City.

3

the Latines *Valentia*, which was a name of strength, whence *Euander* comming into *Italy*, called it *Roma* from *postum* *Robur*. Others say, it was so called from *Ascanius* his daughter, whose name was *Roma*. But it is agreed vpon by most writers, that the Founders were *Romulus* and *Remus* & from *Romulus* it was called *Roma*, not *Romula*, because the diminutiue, *Romula*, might ominate lesse prosperity thereunto.

<sup>e</sup> Some say, that they built it in forme of a quadrangle, vpon one onely hill, called *Mons Palatinus*.<sup>f</sup> Others say, that *Fa-*  
<sup>g</sup> *stus* left *Rome* as it was first built, with the fields thereof, the riuer *Tiber* being the string thereof. Vpon this *Palatine* hill was alwaies the seat of the *Romane* Empire, which from the hill tooke the denomination of a *Palace*: & hence all s<sup>tately</sup> buildings which we call *Palaces*, tooke their name, *Palatia*. This hill had his first appellation <sup>h</sup> *Balatinus* à *Balando*, from the bellowing of cattle pasturing there in former times, and afterwards the first letter being changed, it was called *Palatinus*: by the figure *αιησιν*. *Virgil* seemeth to be of opinion, that the hill was called *Palatinus*, by *Euander* in remembrance of his grandfather, whose name was *Pallas*, according to that

--- *Posuere in montibus urbem,  
Pallantis proani de nomine Palanteum. Virg. Aeneid. l. 8.*  
In processe of time six other hills by seuerall Kings of *Rome* were added; whereby the City, and the *Pomarium*, that is, the territories of the City were enlarged: and *Rome* called *Vrbs septi. collis, id est*, the City vpon seuen hills.

*Sed qua de septem totum circumspicit orbem*

*Montibus, imperij Roma deniq; locus, Ouid. Trist.*

*lib. 1. Eleg. 4.*

Vpon this *Palatine* hill also stood the *Asylum*, or sanctuary of refuge, which *Romulus* opened in imitation of *Cadmus*, i<sup>n</sup> *Alex. Gen.* who at the building of *Thebes* was said to haue opened a sanctuary of refuge, whether whatsoeuer malefactor could escape, were he bód or free, he was not to be punished. It was

<sup>e</sup> *Rosin. antiq. lib. 1. cap. 2.*  
<sup>f</sup> *Sigon. de jur. Rom. li. 1. c. 2.*

<sup>g</sup> *Rosin. antiq. lib. 1. cap. 4.*  
<sup>h</sup> *Vid. Scruium in Aeneid. lib. 8.*

<sup>i</sup> *de Asylio.*



much like vnto a custome of the people in the Citie *Croton* who flying vnto the altars of their Gods, obtained the forgiveness of faults not voluntarily committed. Whence these two phrases are expounded alike, *Ad te tanquàm ad Asylum*, and *Ad te tanquàm ad aram confugimus, id est*, we fly vnto thee as our only refuge.

## CAP. 3.

*De monte Capitolino.*

**T**His hill was famous for three names: it was called *Capitolium*, *mons Tarpeius*, and *mons Saturni*. It was named *Saturnes* hill <sup>k</sup> from the heathenish God *Saturne*, who vouchsafed to vndertake the protection of that place. It was named the *Tarpeian* hill <sup>l</sup> from *Tarpeia* one of the Vestall Nuns, daughter to the chiefe keeper of the Capitoll, (this hill being the Castle of defence for the whole towne) For this *Tarpeia* betrayed the Capitoll into the enemies hands, bargaining to haue the golden bracelets vpon her enemies left hands, for this her treason. Now the enemies when they were admitted in, did cast not their bracelets alone, but their bucklers also vpon her, through the weight whereof she was pressed to death: vpon which occasion the whole hill was afterwards called, the *Tarpeian* mount; but more principally a certaine rocke of that hill called *Tarpeia rupes*, from whence malefactors were sundry times tumbled headlong. The same was likewise called the *Capitoll*, because when the foundation of a certaine Temple, built in the honour of *Iupiter* was laide; a mans head, full fresh and liuely, as if it had beene lately buried, <sup>m</sup> yea hot blood issuing out of it, was found there. <sup>n</sup> *Arnobius* saith, that the name of this man being aliue was *Telus*, and hence from *Caput* and *Telus*, the whole hill was called *Capitolium*.

<sup>k</sup> Rosin. antiq.  
lib. 1. c. 5.

<sup>l</sup> Plutarch, in  
Romulo.

2

<sup>3</sup>  
<sup>m</sup> Dion. Hali-  
car. lib. 4.  
<sup>n</sup> Lipsius de  
magnitud.  
Rom. cap. 5.

CAP.

CAP. 4.

*De colle Quirinali.*

THIS hill being in former time called *Agonalis*, then began to be called *Quirinalis*, when certaine *Sabines*, called in Latine *Curetes*, came and inhabited there, (truce being made betweene the *Romanes* and the *Sabines*;) though some would therefore haue it named *Quirinalis*, because there was a Temple erected in the honour of *Romulus*, called also *Querinus*. It was called in the time of the Emperours *mons Caballus*, that is, the horse-hill, taking its denomination from two marble statues of *Alexander* taming his horse *Bucephalus*: which statues *Constantine* the Emperour brought to *Rome*, and placed them in the midst of certaine bathes, which he made vpon this hill. There doe appeare in this hill three risings, or hillocks; the one being called *Salutaris*, the other *Martialis*, and the third *Latiaris*. All this may be collected out of *Rosinus*.

o Antiq. Rom.,  
l. 1, c. 6.

CAP. 5.

*De monte Caelio.*

THIS hill hath his name from a certaine P Captaine of *Alex. Gen.* *Hertruria*, which assisted *Romulus* against the *Sabines*. dier. l. 6, c. 11. On this hill, King *Tullus Hostilius* erected stately edifices, which for a time serued at his Palace: but afterward they became the chiefe Councell-house, whether the *Senatours* assembled themselves, for the determining of State-matters: and because this *Curia*, did farre exceed all others, therefore Authors many times vse this word *Curia* simply, q Alex. Gen. dier. l. 1, c. 16. without any adiunction, to signifie *Curiam Hostiliam*, as if there were no other. It much resembleth our Priuy-councell Chamber;

Chamber, in respect that none might sit there, but onely *Senatours*; where as in the Court-house, which *Pompey* built) being therefore called *Curia Pompeia*) <sup>r</sup> other City Magistrates were admitted amongst the *Senatours*: and in *Curia Iulia*, *id est* the Court-house which *Iulius* made, were examined <sup>f</sup> forreigne matters, as Embassages: but in *Curia Hostilia* domesticall matters onely were treated of, and that onely by the *Senatours*. <sup>r</sup> At this present time, this hill is beautified with many Christian Churches, as the Churches of *S. Stephen*, *S. Paul*, and *S. John*, our Sauours Hospital, &c. <sup>u</sup> It was also called *Mons Querculanus*, from the abundance of oakes growing there,

<sup>r</sup> Rosin. antiq. lib. 7. c. 6.

<sup>f</sup> Rosin Ibid.

<sup>z</sup> Musster. in sua Cosmog. lib. 2. cap. 9.  
<sup>u</sup> Alex. Gen. dier. l. 6. c. 11.

## CAP. 6.

*De monte Esquilino.*

<sup>x</sup> Rosin. antiq. l. 1. cap. 8.

**T**His hill was so named *quasi* <sup>x</sup> *excubinus ab excubijs*, *id est*, from the night watching, which *Romulus* did undertake vpon that, some what distrusting the fidelity of the *Sabines*, in the beginning of their league. In this hill there were three hillockes named, *Cispinus*, *Oppius*, and *Septimius*.

## CAP. 7.

*De monte Auentino.*

<sup>a</sup> Alex. Gen. dier. l. 6. c. 11.

**T**He *Auentine* mount, tooke his name <sup>a</sup> from *Auentinus*, a certaine King of *Albanum*, which was there buried. Vpon this hill stood *Herculus* his Altar, and certaine Temples consecrated to *Inno*, *Diana*, *Minerva*, *Lucina*, and *Murcia*, *id est* *Venus*: whence the hill hath sometimes beene called *Diana* her hill, and *mons Murcius*. Vpon <sup>b</sup> this Mount, *Remus* would haue built *Rome*, and therefore it was called *Remonius mons*: but since it hath beene called *Mons*

<sup>b</sup> Plutarch. in Romulo.

Rig-

Of the chiefe parts of the City.

7

*Rignarium*, as it appeareth by *Plut.* in the same place. It had moreouer the name of the *Holy Mount*, being called in Latine *Mons sacer*.

C A P. 8.

*De monte viminali.*

BEcause of the abundance of wicker twigs, which did grow vpon this hill, it was called *Mons viminalis*, *vimen* signifying a twigge or ozier. I am not ignorant, that some would haue this hill to be named *Viminalis*, from *Iupiter Viminus*, whereas *Iupiter* himselfe was named *Viminus* from this hill, because he had here many altars erected in the honour of him. Both this hill, and *Iupiter*, were called *Faguales*, from *sylua fagea*, *id est*, a cops of Beech-trees, which did grow thereupon. *Vid. Rosin. Antiq. lib. 1. cap. 9.*

C A P. 9.

*De tribus collibus adiectis.*

THree other hills there were, which in proceſſe of time were added vnto the City; which partly because they were not included within the *Pomarium* so soone as the other, but chiefly because they were not of such note, therefore *Rome* retained the name *Septi-collis*. The first of those hills was called *Collis Hortulorum*, *id est*, the hill of Gardens, so tearmed because of the many gardens neere adioyning. Here was the *Cirque*, or the shew-place of the strumpet *Flora*, which made the people of *Rome* heire to those goods which shee had gotten by prostituting her body to young Gentlemen, leauing also a certaine summe of mony to procure a celebration of her birth-day: which because of her infamie, the people shaming to doe, they feigned her to bee  
the

*Rosin. Ant. lib. 1. cap. 11.*

*Barchol. Latomus in Ver. rin, Orat. 7.*

e Lactant, de  
fall. relig. lib.  
8. cap. 10.

the Goddesse of flowers, and that she must be first appeased, by sports and plaies, performed in the honour of her, before the trees and fruits of the earth would prosper; and that they might gaine the better credit vnto this their fable, they adde farther, that she was once called *Chloris*, and was married vnto *Zephyrus*, from whom by way of dowry shee receiued power ouer the flowers. The second was called *Ianiculus*, from *Ianus* that two-faced God: who, as writers testifie, was there buried. It did lye beyond the river *Tiber*, and hath now changed its name, being called from the yellow sands, *Mons aureus*, and through negligence of the Printer, *Montorius*, id est, the Golden Mountaine. The third was famous for the many diuinations, and prophesies, vttered vpon it, and thence was it named *Vaticanus* from *Vaticinium*,

f Munster in a fore-telling. f It is at this time famous for a Library in it, sua Cosmogr. called *Bibliotheca Vaticana*.  
lib. 2. cap. 8.

## CAP. 10.

## De Foro Romano.

**F**orum hath diuers acceptions: sometimes it is taken for a place of negotiation, or marchandizing, which wee call a market-place: and being taken in this sense, it hath commonly some adiectiue ioyned with it, as *Forum boarium*, the beast-market, *Forum piscarium*, the fish market, *Olitorium forum*, the hearb-market: other times it is taken for any place, wheresoeuer the chiefe gouernour of a Prouince doth conuocate his people together, there to giue iudgement according to the course in law: whence a man is said, *Forum agere*, & when he keeps the *Affises*, and *Forum indicere*, when he appointeth the place where the *Affises* shall be kept. Thirdly, it is taken for a place, where controuersies in law are iudicially determined, & Orations are had vnto the people. At first, of this sort were onely three, *Romanum Iuli-*

g Hubertus in  
Cip. lib. 3. ep  
sam, 6.



Of the chiefe parts of the Citty.

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um, & *Augustū*, as is clearly evidenced by that of *Martial*,

*Atq; erit in triplici par mihi nemo foro.*

Afterward the number was increased to fixe distinct *Forums*: one called *Forum Iulium*, because it was built by *Iulius Caesar*. A second was added by *Octavianus Augustus*, called therefore *Augusti Forum*. The third *Forum*, was founded by *Domitian* the Emperour: but by reason of his sudden death, *Nerva* had the finishing thereof. It had the name of *Forum Transitorium*, the transitory *Forum*, because there was *Transitus*, *id est*, a way or passage through it into three severall market-places. The same *Martial* calleth it sometimes *Forum Palladium*, because in the middle thereof a Temple was erected in the honour of *Minerva*. A fourth was added by the Emperour *Traianus*, wherein was erected a stately column or pillar 140 cubits high, having all the noble exploits performed by *Traianus* engraven in it: another was called *Salustij forum*, because *Salust* bought it with diuers Gardens adjoyning, which since haue bin called *horti Salustini*: The last *Forum*, which indeed was first built, and in all respects excelled the rest, was called *Forum Romanum*, and *Forum vetus*, or by way of excellency the *Forum*, as if there were no other *Forum*: where we must vnderstand, that as often as *Forum* is vsed in this latter sense, namely for a pleading place, it is so vsed figuratiuely, by the figure *Synecdoche*: for in truth the pleading place, wherein Orations were had, was but one part of the *Forum Romanum*, namely that *Chappell*, or great building, which they called *Rostri*: Round about this *Forum Romanum*, were built certaine tradesmens shoppes, which they termed *Taberne*, and also other stately buildings, called *Basilica Pauli*. Here was the *Comitium*, or Hall of Iustice; the *Rostri*, *id est*, the Orators Pulpit; *Saturnes Sanctuery*, or the common treasure-house; and *Castors Temple*: of all which in their order.

*b* Lipsius de magnitud. Rom. l. 3. c. 7.

*i* Henr. Sal-muth, in Panciroll. lib. rerum deperdit. cap. de basil. & taber.

## CAP. II.

## De Basilicis.

**B**asilica where vpper buildings, of great state and much cost, being supported with *Pila, id est*, flat-sided pillars; and hauing vnderneath them walkes, much resembling our Cloisters, sauing that the *Intercolumnia*, or space betweene the pillars lay open vnto the very ground. That they were vpper buildings may be collected by the custome of many men, which were wont to walke vnder these Basilicall buildings, and therefore were called, *Subbasilicani* by *Plautus*. The vse of these were principally for the<sup>k</sup> Iudges to sit in iudgement: but in their absence it was lawfull for Marchants to deale in their businesse. Those of chiefe note were three, thus named, *Pauli*, *Porcia*, and *Iulia*.

†Sigon de iudicijs lib. 1. cap. 28.

## CAP. 12.

## De Comitijs.

**C**omitium<sup>1</sup> was a part of the *Forum Romanum*, being a great large hall of justice, which for long time was open at the top, hauing no couering, and for that reason the assemblies were often dissolued in rainy, or vnseasonable weather. In it stood the *Tribunall*; being a place erected vp on high in forme of our pulpits, but many degrees larger, and in the midst thereof, the *Sella Curulis, id est*, the Ivory chaire, frō whence the chiefe Magistrate administred justice; other inferiour Magistrats sitting on bēches on each side, which were called *Subsellia*, because they were lower thē the *Tribunal*. Those which sate vpon these benches had power *cognoscere*, but not *pronunciare*; much like to our Iustices at Assises, which may examine or informe against a male-

1Sig. de iud. lib. 1. cap. 7.

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malefactor, but not condemne him. Where wee may observe the difference betweene *Comitium*, signifying such an edifice, or building, and *Comitia*, signifying the Romane assemblies: both being called *a coenudo*. This hall was many times called by the name of *Puteal Libonis*. The reason of which name is rendred thus by <sup>m</sup> some. That in this *Comitium*, <sup>m</sup> Cael. Rhod. lib. 10. c. 17. *Aelius Nauius* did once with a razor cut in two a whetstone, and in memory thereof, his statue was erected, with an hat vpon his head, for *Puteal*, properly doth signify the couer of a well, but in a large acception, it signifyeth a broad brimmed hat, as *Calius Rodigimus* noteth in the same place. <sup>n</sup> Cicero toucheth this. *Cotem illam, & nonaculam de fossam in comitio, supraq; impositum Puteal accepimus.* But why it should be called, *Puteal Libonis*, is yet doubtfull, except happily *Libo* was the first erector of this statue. That it was a common court, & knowne place of justice, *Horace* witnesseth, *Roscium orabat, sibi adesses ad puteal cras.* <sup>n</sup> Cic. de diu. nat.

CAP. 13.

De Rostris.

NEXT to the *Comitium* stood the *Rostra*, a goodly faire edifice, in maner of the body of a Chathedrall Church: In it stood an Orators Pulpit, deckt & beautified with the stemmes of many ships, which the *Romans* got from the people of *Antium*, in a memorable battaile vpon the Sea: And <sup>o</sup> hence from those ship-beakes, called in Latine *Rostra*, hath this place taken its name. It may be Englished, the great Oratory, or place of Common-plea. <sup>o</sup> Hubert, in Cic. ep. lib. 1. ep. fam. 1.

B 1

CAP.

## CAP. 14.

## De templo Castoris.

p Suet. In Iu-  
lio Cesare.

**A**Nother part of the *Forum* was a sanctuary built in the honour of *Castor* and *Pollux*: the reason thereof was because they appeared vnto the *Romans* in the Latine warre, in the likenesse of two Angells sent from heauen to lead the *Roman* army, and to assist the *Romans* against the *Latines*; who being vanquished, they suddenly were departed out of the field, none knowing how, & even in the same moment they appeared vpon their sweating horses vnto the *Roman* Cittizens in the *Forum*, who taking them for fouldiers, demanded what newes they brought home from the campe: they replied that the *Romans* were conquerors: which newes being deliuered they suddenly vanished and were seene no more. Vpon this occasion did *A. Posthumius* being at that time *Dictator*, built a temple in that place of the *Forum*, where they were seene in honour of them both. Although in the after Ages, it had the name only of *Castors* Temple. Whence arose the jest of *M. Bibulus*, against his fellow Consull *Iulius Caesar*, saying; it fared with him, as it did with *Pollux*; *id est*, as this temple which was erected in the honour of both the brethren, carried the name only of *Castors* Temple; so the great expences in exhibiting shewes in the time of their Consulshippe, though they were deeper on *Bibulus* his side, yet *Caesar* carried away all the thanks, and credite. In so much that the people being wont to subscribe the names of both Consuls at the end of their Deeds, and Charters, for a remembrance of the yeare; that yeare they wrote, such a thing done nor *Bibulus* and *Caesar*, but *Iulius* and *Caesar*, being Consuls.

CAP.

## CAP. 15.

## De aede Saturni.

**S**aturnes sanctuary <sup>q</sup> was the common treasure-house, <sup>q</sup> Plutarch in  
 wherein the subsidy money which the commons paid <sup>Publicola.</sup>  
 vnto the treasurers called *Quaestores*, was to bee laid vp:  
 whereof diuers coniecture diuersly. *Alexander Neop.* saith <sup>r Alex. Gen.</sup>  
 that *Saturne* found out the vse of brasse mony: and there- <sup>dier. l. 4. c. 15.</sup>  
 fore this Temple might be thought the fittest place for the  
 treasury. *Plutarch* thinketh rather, that the making of the  
 treasury in that place did allude to the integrity of time,  
 wherein *Saturne* reigned, being the Worlds golden Age.  
 But the most receiued opinio<sup>n</sup>, is the strength of the place, <sup>f Alex. Gen.</sup>  
 whereby it was the safer from theues. The temple by rea- <sup>dier. l. 2. c. 2.</sup>  
 son of the vse it was put vnto, was called *erarium* from *as*,  
*id est*, Brasse: which name now is common to all treasure-  
 houses: for that the first mony vsed by the *Romans* was of  
 that mettrall, vntill the yeare of *Rome*, 485. (as *Pliny* wit-  
 nesseth lib. 3. cap. 33.) <sup>t</sup> Some are of opinion, that before <sup>r Alex. Gen.</sup>  
 the vse of brasse, they made mony of leather: whence *Nu-* <sup>dier. l. 4. c. 15.</sup>  
*ma Pompilius* is said to haue giuen leather mony in a dole  
 vnto the people. Touching their order obserued in the  
 treasury, we must vnderstand that their care in providing  
 against sudden dangers was such, that they laid aside the  
 twentieth part of their receipts, which they <sup>u</sup> called *aurum* <sup>u Alex. Gen.</sup>  
*vicefimarium*, *incensimarium*, and *cimiliarchium*, into an <sup>dier. lib. 2. c. 2.</sup>  
 inner chamber or more sacred roome, named in Latine *era-*  
*rium sanctius*. <sup>x</sup> Wee may read also of a third treasury <sup>x Seruius l. 2.</sup>  
 called *Erarium militare*, wherein *Augustus* had appointed <sup>Virg. Georg.</sup>  
 that the twentieth part of certain legacies should be laid vp  
 to defray charges in extraordinary wars: where it lay so pri-  
 uiledged, that it was a capitall crime to vse any of it, but in  
 extreame and desperate necessity. Notwithstanding, how so-



x Alex Gen.  
dier. lib. 2. c. 2.

y Plutarch in  
suis proble.  
mat. vid.  
Franc. Sylvi-  
um in Catili-  
nar. 4.

ever it was vsed as a treasure-house x yet diuers Authors  
testifie that the Acts of their senate, the bookes of records,  
together with such bookes, as were for their immesurable  
bignesse, called *libri Elephamini*, wherein all the names of  
their Cittizens were registred, and also their millitary En-  
signes, were contained there, y And from those statute  
bookes called *tabula publica*, this treasury was also called  
*Tabularium*, because they were laid vp there.

## CAP. 16.

*De campo scelerato.*

z Munster. in  
Iua Cosmog.

a Plutarch. in  
Numa.

**C***ampus sceleratus*, the field of execution z lying with-  
in the Citty, joyned to the gate *Collina*. It was the place  
where the Vestall Nunnes, if they were deflowred, suffered  
punishment alter this manner. There a was made a Vault  
vnder the earth with a hole left open aboue, whereby one  
might goe downe; and within there was a little couch with  
a burning lampe and a few victualls whether the defiled  
Votary was to be brought, through the market-place, in a  
litter so closed vp with thicke leather, that her mournings  
might not be heard to the mouing of pittie. Shee being  
thus brought to the place of execution, was let downe by a  
ladder into the hollow Caue, & the hole presently stopped.  
And the reason why they suffered such a kind of death was  
because they thought it not fit, that shee should be burnt  
with fire, which kept not the sacred fire with greater sancti-  
ty. And it was thought vnlawfull to punish them by laying  
violent hands on them, because they had in former time  
served in so holy a function.

CAP. 17.

*De Campo Martio.*

**T**He <sup>b</sup> *Campus Martius*, otherwise called *Tiberinus*, <sup>b</sup> *Rosin antiq.*  
 (because it was neere the riuer *Tiber*) was giuen vnto <sup>lib. 6. cap. 11.</sup>  
 the Roman people, by *Caia Tarratia*, a Vestall Virgin: but  
*Tarquinius Superbus*, the last king of *Rome*, did take it from  
 the people, converting it to his owne private vse: insomuch  
 that he sowed corne there; which when he was deposed, the  
 Romans did cast into the river *Tiber*, judging it vnfit that  
 any man should reap any commodity frō so holy a ground.  
 In processe of time, the sheaves of corne being stopped in a  
 shallow foard of the river became firme ground, and was  
 called, *The holy Iland*, or *Æsculapius his Iland*, & present-  
 ly after the expulsion of *Tarquinius*, this *Campus Martius*  
 was restored vnto its former vse. Beside the naturall plea-  
 surnesse of the place it selfe, it was beautified with many  
 ornaments brought out of the *Capitoll* (the *Capitoll* being  
 too full) as likewise with diuers images of well deseruing  
 men. Hither did the younger sort of *Romans* come to exer-  
 cise Chivalry, namely the horse-race, the foot-race, wrest-  
 ling, fencing, casting the bowle, the sledg, the dart, vsing the  
 sling, the bow, vaulting, with such like; and vpon this occa-  
 sion it was dedicated to *Mars*, & called by *Sirabo*, the *Ro-*  
*mans great schoole of defence.* The manner of vaulting, was  
 in riding, to leape from one horse-backe vpon another, <sup>c</sup> *Cœl. Rhod.*  
 their custome being for their horse-men in warre, to lead <sup>l. 21. c. 29. 30.</sup>  
 a spare horse in their hands, besides that whereō they did ride,  
 that when the one did swear, they leaped vpon the others  
 backe, *à desliendo*, those horses were called *Equi desultorij*:  
 whence an vnconstant, wauering, and vnsetled mind, which  
*Seneca* calleth *Volaticum ingenium*, others haue called *De-*  
*sultorium ingenium*. In this field were men of best note bur-  
 ned, when they died. Here were the kings, and other Ma-  
 gistrates,

<sup>d</sup> Seruius in place at first railed, like a sheep-pen, called therefore *Ovilia*, or *septa*; but afterwards it was mounted with Marble stone, beautified with stately walkes and Galleries, and also with a Tribunall or seat of justice, within which precinct the people oftentimes assembled to giue their suffrages toward the election of Magistrates. The meanes of ascending vp vnto these *Ovilia* was not by staires, but by many bridges made, for that time, every parish in the assembly of parishes, & every Tribe, or Ward in the assembly of the Tribes & every hundred in the assembly of Centuries hauing his Bridge: whence this proverbe was occasioned, *de ponte denegandus, id est*, hee is to bee barred from giuing his voice. These bridges were not made over any river but over the dry land: whence men were laid to be cast, *Non vi periclitarentur de vita, sed ne suffragarentur in comitijs*.

<sup>e</sup> Ioan. Saxo-  
nius in Orat.  
pro S. Roscio.

## CAP. 18.

*De Circo Maximo.*

**A**Mongst other places where the Romans exhibited their plaies vnto the people, the most remarkable was the great Cirque, or shew-place, called in Latine *Circus Maximus*. It was a large peece of ground, lying neere that part of the *Aventine Mount*, where *Dianars* Temple stood. It was built by *Tarquinius priscus*, with diuerse galleries round about it, from whence the *Senators* & *Gentlemen* of the Citty did behold the running with great horses at lists, the fire-workes, tumbling, the bayting and chafing of wild beasts, &c. In former time, all did stand on the ground, being sheltred fro the raine by the helpe of boards vpheld with forkes in manner of house-pentices: and this custome continued vntill the afore said *Tarquinius* erected those Galleries, called *Fori*, making thirty distinctions of them

them, allotting euery ward or company their feuerall quarters, all the seats being able to containe one hundred fiftie thousand parties. <sup>f</sup> Vnder these places were cels, or vaults, where women did prostitute their bodies, and would buy stolne goods, and for this reason *Haras* calleth it *Fallasem circum*, *id est*, the deceitfull shew-place. There was at the one end of their cirque certaine barriers, *id est*, places barred, or railed in, at which place the horses began the race, and at the other end was the marke, whether the horses ran it was called in Latin *Meta*, and the barriers *carceres*, *a coerendo*, Whence we say *a carceribus ad metam*, *id est*, from the beginning to the ending.

(Rosin. antiq. lib 5. c. 4.)

CAP. 19.

*De Theatro.*

**T**HE Theatre hath his name from the Greeke verbe *θεωω*, *id est*, to behold: because the people flocked thither, to behold plaies and shewes exhibited to them. The custome <sup>h</sup> first sprang from the shepheards, who leading a contemplatiue life, were wont to compose dialogues in meetre, & at their leasure to recite them vnder the trees pressed downe in forme of an arbor: whence this theatrall fearme *θεατρον*, hath beene deriued from *αὐλὴ*, a shaddow, but afterward learned Poets composed Comedies, and Tragedies, which were publicuely acted in the Citie vpon a stage: and although at the first it was counted infamous to frequent them, yet afterwards the Senatours themselves, yea the Emperour, and all the chiefe of *Rome* assembled thither. <sup>i</sup> Neither for a long continuance were there any seats built, but Commons, and Nobles, promiscuously one with another, all stood on the ground: in somuch that those which stood behind, raised vp places with turfes of earth, which gaue the people occasion to call the place betweene those

g loach. came: rar. in orat. pro L. Flaceo. b Servus lib. 2. Virg. Georg.

i Alex. Gen. diar. l. 5. c. 16.

C

turfes

turfes and the scaffold, *Cavea, id est*, a caue or denne: yea the people that stood there, were so called frō the place. Though the Theatre be now taken only for the stage; yet then by it was vnderstood the whole roome, where these playes were acted: and it had diuerse parts, some proper to the actors, some to the spectators. To the actors first belonged the *proscenium, id est*, the house, whence the players came: where they apparelled themselues, though sometimes it is taken for the scaffold, or stage it selfe: secondly, the *pulpitum, id est*, the stage or scaffold vpon which they acted: and thirdly, the *scenae*, that is, the partition which was commonly made of wood not of hangings. Now that they might change their Scene

¶ Seruius, l. 3.  
virg. Georg.

according to their pleasure, they made it *versatilem, id est*, so that with enginnes it might vpon the suddaine be turned round, and so bring the pictures of the other side into outward appearance: or otherwise *ductilem, id est*, so that by drawing aside of some wainscot shuttles (which before did hide the inward painting) a new partition might seeme to be put vp: and I thinke because those shepheards did act no more at a time than one of our *Scenes*, hence haue we distinguished our playes into so many parts, which wee call *Scenes*. The places which were proper to the spectators were distinguished according to their degree & ranck; for the remotest benches were for the commons, & called *popularia*; the next for the *Knights* and *Gentlemen of Rome*; and called therefore *Equestris*, the others wherein the *Senators* did sit were commonly called *Orchestra*: this may be collected out of <sup>1</sup> *Lipsius*, <sup>m</sup> *Cael. Rhodiginus* saith, that the *Orchestra* was that place ioyning to the stage, where *Chorus* spake to the people at the end of euery act. Diuerse authors are of *Cael. Rhod*: his opinion, deriuing the word *Orchestra*, from the Greeke *ορχιστρον*, to dance: but it seemeth more probable, to haue bin a peculiar place, allotted for the *Senators*. *In Sat. 3.*

<sup>1</sup> *Lipsius* de  
amphith. c. 14.  
<sup>m</sup> *Cael. Rhod.*  
lib. 8. cap. 8.

*Aequales habitus illic similemque videbis*

*Orchestra, & populum. id est, optimates & plebem.* The whole



whole building made for entertainment of the spectators, resembled a triangle or wedge, sharpe towards the stage, and broad behind: whence the whole was denoted by the name *Cunem*; when *Cunem* signified any particular place about the theatre, then by it we are to vnderstand that which formerly we call *popularia*, the place for the meaner sort of people, whence when we would point out a base and ignoble person, *Inter cuneos residere dicitur*. There was also another kinde of scaffold, built quite round, made as it were of two theatres ioyned together, it was called *Amphitheatrum*, and differed from the Theatre, onely as the full moone doth from the halfe, or a compleat rundle from a semi-circle: it resembled an edge. Vpon this kinde of scaffold did the Masters of defence play their prizes, and wild beasts were baited. In *Amphi-theatro gladiatorij ludi, & conclusarum ferarum venationes exhibebantur*. The *Amphitheatre* it selfe in the judgement of *Lipsius* was tearmed *Cavea, ab interiore parte qua concave erat*; And *Arena* because it was strowed with grauell & sand, that the blood of such as were slaine in the place might not make the place too slippery for the combatants. Hence cometh that phrase, *In arenam descendere*, to go into the field: and the combatants were thence called *Arenarij*. Here we must note, that howsoever the *Amphitheatre* was strowed commonly with common & ordinary grauell, yet sometimes in their extraordinary shewes that grauell was couered & as it were new coated, with the scrapings & dust of some extraordinary stones, to adde the greater lustre vnto it: thus much *Pliny* intimateth. *Inuenere & alium usum eius lapidis, in ramentis quoq; Circum maximum sternendi, ut si in commendatione & candor*. Again, sometimes the hollow places or dennes vnder the *Amphitheatre*, in which the wild beasts were kept, and likewise men to be committed with wild beasts, out of which these were let loose by the lifting vp of trap-doors to be hunted or baited vpon the *Amphitheatre*, were called *Cauca*. For we must

<sup>n</sup> Cæli Rhod. lib 8, cap. 8.

<sup>o</sup> Turneb. ad. verlib. 5. c. 5.

<sup>p</sup> Hosp. de. o. rig. fest.

<sup>q</sup> Lipsius de Amphich. c. & 3.

<sup>r</sup> Plin. lib. 36.

(Sueton, in  
Domitian,

know that the *Amphitheatre* was full of hollow passages for many reasons, as for the conuenient keeping of wilde beasts, and beaſtiaries; so sometimes for the better conueying of waters thither, by the meanes whereof real ships and sea-skirmishes were often times exhibited vpon the *Amphitheatre*.

## CAP. 20.

**M**oreouer for the better vnderstanding of classcall authors it will not be impertinent to point at the generall names, by which the religious places were called: and to declare the proper acception of each name, the names being these, *Templum, Fanum, Delubrum, Edes sacra, Pulvinar, Sacrarium, Lucus, Scrobiculum, Ara, Altare, Focus*.

*De Templo.*

<sup>a</sup> Rosa. Ant.  
lib. 2. cap. 2.

<sup>c</sup> Lilius Gy-  
rald, de diis  
gentil. syntag.  
17.

<sup>d</sup> Li. 4. Æne-  
ad. v. 457.

<sup>e</sup> Fr. Silvius  
in orat. pro  
Muren.

This word *Templum* doth sometimes signifie those <sup>a</sup> spaces, and regions in the aire, & earth, which the *Augures* did quarter out with their crooked staffe at their south-saying. Sometimes it doth signifie a sepulchre or graue, <sup>c</sup> because in old times, men did superstitiously pray, and worship at the toombes and monuments of their deceased friends, as if it had beene in *Temples* or *Churches*, and in this sense may *Virgil* be vnderstood;

*Præterea fuit antiquo de marmore templum.*

*Coniugis antiqui. ---*

Most commonly it doth signifie a *Church*, or *Temple*: in which sense as often as it is vied, it is said *a templando*, from beholding; because when we be in the Church by lifting vp our hearts by a diuine contemplation, we doe, as it were behold the great maiestie of God.

*De Fano.*

It is also called *Fanum*, *a fando*, from speaking: not from the speaking of the Priest, but because the people doe there speake vnto God, and God againe to the people. <sup>f</sup> Some are  
of

<sup>f</sup> Turneb. ad,  
verl. lib. 3. c. 9.

of opinion that *Fannum* in proprietic of speech signified the Church-yard, or court before the Temple: *Templum* signifieth the edifice, or Church built.

*De Delubro.*

Thirdly, a Church was called, *delubrum Synecdochicū*, because it was the principall part of the Church, namely the place where their Idol-God stood; & it was called *delubrum* from *Deus*: & as we call the place where the candle is put, *candelabrum* from *candela*. As concerning the outward forme of the Churches, some were vncouered because they counted it an hainous matter to see those Gods confined vnder a rooffe, whose doing good consisted in being abroad; other some couered; some round, some otherwise: but within they much resembled our great Churches. They had their *prondon*, or Church-porch, whereabouts they were wont to haue the image of the beast *Sphinx*, which was so-famous for his obscure riddles: so that by this Image was signified, that the oracles of the Gods, which were treated of within the Church, were darke and mysticall. They had certaine walks on each side of the body of the Church, which they called *porticus*: & in these places it was lawfull for them to marchandize, make bargaines, or confer of any worldly business; as likewise, in the *basilica* or Body it selfe. But their Quire called *Chorus*, was couered a more holy place, set apart only for diuine seruice. The manner of hallowing it, was as followeth. When the place where the Temple should bee built, had beene appointed by the Augures (which appointing, or determining the place they called *Effari templa*, and *sistere Fana*) then did the party, which formerly in time of need vpon condition of helpe from the gods had vowed a Temple, call together the *Aruuspices*, which should direct him in what forme the temple should be built: which being knowne certaine ribbands, and fillets were drawne about the *area*, or plot of ground with flowers, and garlands strowed vnderneath, as it was probable to distinguish the limits of this

gRolin Antiq.  
lib. 2. c. 2.

gRolin. Ibid.

ground now to be hallowed. Then certaine souldiers marched in with boughs in their hands, and after followed Vestall Nunns leading young boyes, and maids in their hands who sprinkled the place with holy-water. After this following the Prator, some Pontifie going before, who after the *area* had beene purged by leading round about it a sow, a ramme and a bull, sacrificed them, and their entralls being laid vpon a turfe, the Prator offered vp prayers vnto the Gods that they would blesse those holy places, which good men intended to dedicate vnto them. This being done the Prator touched certaine ropes, wherewith a great stone being the first of the foundation was tyed: together with that, other chiefe Magistrats, Priests, and all sorts of people did helpe to pluck that stone, and let it downe into its place, casting in wedges of gold, and siluer, which had neuer beene purified, or tryed in the fire. These ceremonies being ended, the *Aruspex* pronounced with a loud voice, saying, *Nere meretur opus, saxo, aurone in aliud destinato, id est*, Let not this worke be vnhalloved by conuerting this stone, or gold, into any other vse.

*De Edesacrâ.*

Fourthly, a Church was called *Edes sacra*, an holy house, because of the sacrifices, prayers and other holy exercises performed therein. Although (as *Gellius* hath long since observed every holy house was not a Church. For the proper note of distinction betweene a Church, & a religious house was this, that a Church beside that it was dedicated vnto some God, it was also hallowed by the Augures, without which hallowing the edifice was not called a Church but a religious house: of which sort was the Vestall Nunnery, & the common treasure, called *Edes saturni*. We may adde hereunto this word *Pulvinar*,<sup>i</sup> which doth often signifie a Church: the reason being taken from a custome amongst the *Painims*, who were wont in their Churches to make certaine beds in the honour of their Gods, and those beds they called

*Pulvinaria*

<sup>i</sup> Barthol. Latomus in Philippic. 4 am.

*Of the chiefe parts of the City.*

23

*Pulvinaria* from *pulvis*, because they were filled with dust or chaffe.

*De Sacratio.*

Sometimes <sup>k</sup> *Sacrarium* signifieth a temple, though properly it signifieth a Sextry or Vestry, nempe <sup>l</sup> *Sacrorum repositoryum*.

<sup>4</sup> Cic. pro Milone.

<sup>l</sup> Franc. Syluius in orat. pro L. Mutan.

*De Lucis.*

Neere vnto diuerse Temples stood certaine groues dedicated to some of the Gods: they were called in Latine *Luci à non lucendo*, as diuerse say, by the figure *antiphrasis*. But others are of a contrary opinion, giuing it that name, because of the exceeding light it had in the night time by reason of the sacrifices there burnt.

*De Scrobiculo, Ara, & Altari.*

The places vpon which they sacrificed either in their religious houses, or their groues, were of three sorts, which we in English terme altars; but the Romans distinguished them by three seuerall names, *Scrobiculus*, *Ara*, and *Altare*;

*De Scrobiculo.*

<sup>m</sup> *Scrobiculus* was a furrow, or pit containing an altar in it, into which they powred downe the blood of the beast slaine, together with milke, hony, and wine, when they sacrificed vnto an infernall God.

<sup>m</sup> Alex. Gen. dier. l. 5. c. 26.

*De Ara.*

The second kinde of altar was called *Ara*, either *ab arden-do*, because their sacrifices were burned vpon it: or from their imprecations vsed of that time: which in Greeke they called *ἀράς*. It was made foure-square, not very high from the ground, or as some say, close to the ground: and vpon this they sacrificed vnto the terrestriall Gods, laying a turffe of grasse on the altar: and this gaue *Virgil* occasion to call them <sup>n</sup> *Aras gramineas*, id est, grasse altars.

<sup>n</sup> Virg. Æn. 12.

*De Altari.*

The third sort was called *Altare*, either because it was exalted, and lifted vp some-what high from the ground; or because



cause he that sacrificed (by reason the altar was so high) was constrained to lift vp his hands in *altum*, on high: and vpon this they sacrificed vnto their celestiall Gods onely.

o Serv. in Bucolic, eclog. 5.

*De Foco.*

*Focus* is a generall name, signifying any of these altars. So called a *fouendo*: because as *Servius* hath obserued that *is focus, quicquid fouet ignem, sine ara fit, sine quicquid aliud, in quo ignis fouetur*. But in strict propertie of speech, it is taken for that altar on which they sacrificed to domesticke Gods, such as were their *Penates* or *Lares*. *Focus* appeareth

p Aulular. act. by *Plautus* p:  
2. Sc. 5.

*Hac imponentur in focum nostro Lari  
Vefortunatas faciat gnata nuptias.*

Whence ariseth that Adage *Pro aris & focis certare*, sounding as much as to fight for the defence of religion and ones priuate estate; or (as our English prouerbe is) for God and our Country; the prouerbe being in this originall, part of the oath that was administred vnto the Romane Souldiers: and thus it is expounded by *Turnebus*.

q Turneb. Adv.  
lib. 10. c. 7.



I. B. I. SECT. 2.

*The generall divisions of the Romane people.*

CAP. I.

*De populo Romano, & eius prima divisione.*



Hus having premised a short Treatise concerning the first situation of *Rome*, and the most remarkable parts thereof, I purpose to proceed to the inhabitants, which antiquity hath stiled Cittizens of *Rome*. And *Erasmus* rather describing a *Romane*, then defining him, saith, A *Romane* was graue in his conversation, severe in his judgement, constant in his purpose: Whence *Cicero* in his Epistles often useth this phrase, *More Romano*, for *ex animo, id est*, vnfeinedly. *Sigonius* rendring the definition of a *Romane* citizen, averreth that no man is *lege Op- timâ, id est*, in full and compleat manner a cittizen of *Rome*, but he which hath his habitation there, which is incorporated into a Tribe, and which is made capable of citty preferments, By the first particle those which they tearme *municipes*; by the second those which they call *Inquilini*; and by the third those which they call *Libertini* are in a man-

a Sig de iure  
Rom. l. i. c. i.

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ner disfranchised. But whereas *Sigonius* saith that they must have their habitation at *Rome*, hee would not be so understood, as if a *Roman* cittizen might not remoue his habitation to any other country: For, saith he, a *Romane* citizen may be as long absent from *Rome*, and the fields belonging to *Rome*, as he please, so that he suffer himselfe to be seised and taxed in common with others toward the subsidy payments, & denyeth to be incorporate into another citty. For *T. Pomponius* was a true cittizen of *Rome*, though he dwelt at *Athens*. The *Romane* cittizens being by these priuiledges as by a more proper and peculiar character distinguished from other people, and being planted in the citty according to the appointment of *Romulus* their King, it seemed good vnto him to divide them into <sup>b</sup> Tribes, not taking the note of distinction only from the diuers places they the inhabited, as we read that *Servius* the sixt king of *Rome* did, making therefore foure tribes <sup>romæ</sup> <sup>locall</sup>, namely *Suburanam*, *Pallatinam*, *Collinam*, & *Esquilinam* (which number of locall tribes in proceffe of time increased vnto the number of 35) but dividing the according to their severall nations, which at the first were *donati civitate*, *id est*, made free denizens of *Rome*: and they being in number three. 1. The *Sabines* which were named *Tatienses*, from thir King *Tatinus*. 2. The *Albanes*, called *Rhamnenses* from *Romulus*. 3. Other nations promiscuously flocking out of other countries to the *Roman* *Astylu* placed in a groue called in Latine *Lucus*, which gaue *Romulus* occasion to name the *Luceres* he made in all three tribes, <sup>arids</sup> or nationall. After that *Romulus* had thus divided the whole body of the *Romanes* into three Tribes, hee then subdivided each tribe into ten lesser numbers, which he called *Curia*, or parishes: & then followed five other divisions in respect of their different degrees, and callings: of which in their severall order.

<sup>b</sup> Sigon. de jur  
Rom. l. 1. c. 3.

CAP. 2.

*De prima divisione Romanorum in Senatores sine Patres, Patricios, sine Patronos, & Plebeios, sine Clientes.*

**T**He first division of the *Romans* in respect of their degree, and place was this. The elder, wealthier and greater sort of *Romanes*, were called sometimes *Patricij*, either because of their age, and gravity; or, because they had many children (for great priviledges were granted vnto fathers of three children:) and sometimes *Patroni*, because they were as patrons, and fathers in helping & assisting the causes of the common people seeking to them. The yonger, poorer, and simpler sort were called, as they had relation to the *Patricij*, *Plebeij*, *id est*, the commons; as they had relation to their *Patroni*, they were named *Clientes*, *id est*, *Clients*: betweene whom there was such a mutuall, and reciprocal intercourse of loue, & duty, that as their *Patrons* were ready to protect their *Clients*, so the *Clients* were bound with all faithfulnessse to cleaue vnto their *Patrons*: & that not only to credit the with their attendance in publike assemblies, but to disburse out of their own purses towards the bestowing of their daughters, the paying of publike mulcts, the giuing of largesses in suing for offices, &c. Neither was it lawfull for either of them to enforme, to depose, to giue their voices, or to side with aduersaries one against another without the guilt of treason: for which crime of treason they were *dijs infestis devoti*, *id est*, cursed to hell, & the law gaue liberty for any man to kill them. Out of the *Patricij* did *Romulus* elect 100 counsellors to assist him in determining matters concerning the common weale: to these did *Romulus* after adde another 100. & *Tarquinius Priscus*, as divers Authors testifie, made them a compleat 300. which they called *Patres*, or

*c* Lazius de  
Repub. Rom.  
lib. 12. cap. 3.

dMarryn. Phi-  
liticus in Cic.  
l. 1. Ep. fam. 1.

e Alex. Gen.  
dier. 2. c. 29.

*Senatores*, and their sonnes *Patricij*. But in proceſſe of time the commons alſo were eligible into a *Senators* place. Some ſay that *Tarquinius Priſcus* added the ſecond hundred to the Senate out of the commons,<sup>d</sup> who were called *Senatores minorum gentium*, *id eſt*, *Senators* of the lower houſe. *Brutus* added the laſt 100: & made them 300, at what time they began to be called *Patres conſcripti*. And this accordeth with *Ioannes Roſa* in his Epitome of the Roman hiſtory, in his *Ch. de Regibus Romanis*: where he ſaith, that *Tarquinius Priſcus* did double the number of the *Senators*: And likewiſe <sup>e</sup> *Alexander Neop.* ſaith, that *Brutus* made them a compleat 300.

## CAP. 3.

*De ſeconda diſiſione Romanorum in tres ordines, Senatorium, Equeſtrem, Popularem, ſeu Plebeium.*

**A**fter that through *Tarquinius Superbus* his tyrannys the very name of a King became odious to the Romans, not only the preſent King was exiled, but the authority of a King ever afterward deteſted & perpetually abrogated: ſo that the office, which was before monarchicall then was divided betweene two, called *Conſulls*: neither were they admitted for any longer ſpace then one yeare. At which time of change the Romans were divided into three orders, or ranges, 1. into *Senators*, of whom before. 2. into *Gentlemen*, called of the Romans, *ordo Equeſtris*: by which we doe not vnderſtand thoſe 300. *Celeres*, *id eſt*, *Penſioners*, called ſometimes *Equites*, for that was a place of ſervice, this a title and token of gentility. Who although they were inferior to the chiefe Senate, yet they were of great eſteeme among the Romans: and although they might not weare the ſame robe as the *Senators* did, namely the *laticlavium*, or garment beſtudded with flouriſhings of purple ſilke in manner of broad naile heads;<sup>f</sup> yet they might weare the *angusticlavium*

fRoſin. Antiq.  
l. 1. cap. 17.



The generall-division of the Romane people. 29

*clavium*, a garment differing from the former only in this, because the purple studdes, wherewith it was purfled was narrow, and not so large as the *lati clavium*. They also at the time of their electio receaved from the *Censors* an horse called by them *equus publicus*, because of the yearly allowance out of the common treasury to keepe him: it was also called *equus militaris*, because of their service in warre (they hauing their horses kept as well in peace as warre. They receaved also a gold-ring, <sup>h</sup> whereby they were distinguished from the populacy: for it was not lawfull for any to weare a gold-ring vnder the degree of a *Senator*, or a Gentleman. The estimation and value of a *Senators* estate <sup>i</sup> vntill *Augustus* his time was *octingenta sestertia*, that is, 6000<sup>l</sup>. <sup>k</sup> Of a Gentlemans estate it was *quadringenta sestertia*, that is, of our English mony 3000<sup>l</sup>, 3. The third order, or degree in the Roman common-wealth was *Populus*, the populacy, or commons, which should exercise trading, manure the ground, look vnto the cattle, &c. Where by the way wee must vnderstand that the baser sort of the *Romans*, which did wander vp and downe, to and fro, not setting themselves to any vocation, were not contained within this division, for vnto them there was no name vouchsafed: but according to the Poet they were *sine nomine turba*; or as *Livy* saith, *ignota capita*, men of no account, and therefore of no name.

<sup>g</sup> Lipfus de magnitud. Rom. l. i. dial. 5  
<sup>b</sup> Alex. Gen. die. l. 5. c. 19.

<sup>i</sup> Suet in August. Plin. lib. 33. cap. 22.

CAP. 4

De tertia divisione in Nobiles, Novos,  
& Ignobiles.

**T**His division was taken from the right or privilege of hauing images; for they were accounted Noblemen, which had the images of their predecessours: Those which had their owne images only were called *Novi*, *id est*, late-coyned nobles or vpstarts. *Salust* vieth this word

word often in the disgrace of *Tully* calling him *Novum & reptitum civem*, one that lately crept into the city. The third sort called *ignobiles* were those that had no images, neither of their predecessors, nor of themselves. Before we proceed, we must understand, that it was not lawfull for who would to haue his owne image if he so desired; for none might be thus privileged, but those alone to whom the right of riding in a Curule chaire belonged; and to these the right of images was permitted, as well for the credit of their house, as to incite others to the like achievements, when they would consider the diverse ceremonies vsed vnto these images in an honourable remembrance of those who they did represent. Whence it followeth, that *Ius nobilitatis* is nothing else but *Ius imaginis*: in so much that this word *Imago* doth oftentimes signify Nobility: & the right of hauing Images with them, was the same as the right of hauing armes with vs.<sup>m</sup> The superstitious conceipt which the Romanes had of these images was such, that vpon festiual daies and all occasions of joy and mirth, those images should be beautified and adorned with garlands and flowers; vpon occasion of griefe & mourning they would take from them all their ornaments, making them in a manner to partake of their mourning. Some they kept in their private closets, <sup>n</sup> others they exposed to the publike view of passengers, placing them in the gates of their houses together with the swords, targets, helmets, shipbeakes, and such other spoiles as formerly they had taken from their enemies; <sup>o</sup> which it was not lawfull for any, though they bought the house so much as to deface. Yea they were so annexed to the freehold that they passed alwaies in the conveyance of the house. The matter of which they were commonly made was waxe, as that of *Iuuenall*, doth sufficiently witness.

Sig. de jur.  
Rom. l. 2. c. 20.

<sup>m</sup> Alex. Gen.  
dier. l. 5. c. 24.

<sup>n</sup> Barth. Lato.  
in Verrin 7.

<sup>o</sup> Plin. 25. 2.

<sup>p</sup> Iuv. Sat. 8.

*Tota licet veteres exornent undiq; cere*

*Atria, nobilitas sola est atq; unica virtus.*

Again we may not thinke that they made in waxe a compleat

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pleat statue or a full portraiture of the whole body, but only from the shoulders upward.

*CAP. 35. De quarta divisione Romanorum in Optimates & Populares.*

*De quarta divisione Romanorum in Optimates & Populares.*

*Optimates & Populares.*

**T**His fourth division of the *Romanes* hath bin occasioned through the faction & siding of the citzizens.

Those (according to the description of *ully*) were *Optimates*, *id est*, the best citzizens, who desired their actions might be liked, and approued by the better sort. Those *Populares*, *id est*, popular, who through desire of vaine-glory, would not so much consider, what was most right, as what should be most pleasing vnto the populacy. So that hereby this word *popular*, we vnderstand not the commons, as formerly we did, but be he Senator, Gentleman, or interiour, if he doe more desire that which shall be applauded by the major part, then that which shall be approued by the better part, him the *Romanes* called *Popular*, *id est*, such a one, that preferreth the popular applause before the right.

*CAP. 36. De quinta & ultima divisione Romanorum in Libertos, Libertinos, & ingenuos. : item de Manumissione.*

*De quinta & ultima divisione Romanorum in Libertos, Libertinos, & ingenuos. : item de Manumissione.*

*Manumissione.*

**T**He difference of the freedoms in the City of *Rome* hath giuen occasion of this division: For he, or shee that had served as an apprentice, and afterward was manumized, was named *Libertum*, or *Liberta*. The son whose father, & mother were once apprentices, was called *Libertinus*, but that sonne whose father and mother were both libertines.

Justin. inst.  
lib. 1. cit de In-  
geniis. vid.  
Franc. Sylv. in  
Cariliar 4

¶ P. Ramus in  
orat pro C.  
Rabirio.

¶ Tert. de re-  
sur. carn.

bertines, or both free-borne, yea whose mother only was free, was called *Ingenuus*, id est, free-borne. But after *Appius Cacus* his Censorship, then began *Liberti* & *Libertini* to signify one and the same degree of freedom: so that *Liberti* & *Libertini* were taken for those which served for their freedom, and *Ingenui* were taken for those which were free-borne, whether their parents were *Liberti* or *Libertini*. Here is occasion given vs to consider the manner of their freedom, and such ceremonies which belonged thereto. The freedom of the city of Rome was three waies obtained: first by birth, both or at least one of the parents being free and such were called *cives originarij*. Secondly by gift and cooptation, when the freedom was bestowed on any stranger, or nation, and they were termed *civitate donati*; and so we read that *Cæsar* tooke in whole nations into the freedom. Lastly, by manumission, which was thus: when as the servant was presented by his master before the Consul or Pretor, the master laying his hand upon his servants head, used this forme of words, *hunc liberum esse volo*, and with that turning his servant round & giuing him a kisse on the cheek hee did *emitte- re servum è manu*: the Pretor then laying a certaine wand or rod called *Vindicta*, upon the servants head, replied in this manner *Disco eum liberum esse more Quiritum*. The lictor or sergeant taking the wand did strike there with the servant on the head, and with his hand he stroke him on the face and gaue him a push in the back, & after this he was registred for a freeman. Moreover the servant hauing his head shaven purposely at that time receiued a cappe as a token of liberty; whence *ad pileum vocare aliquem*, is to set one at liberty, as likewise *vindicta liberare*. According to *Tertullian* at this time of their manumission the servants receaued from their masters, a white garment, a gold-ring & a new name added vnto their former. Whose authority if we admit, then the hauing of three names among the Romans was rather a signe of freedom then of Nobility. And that of *Iuuenal*.

Tan.

*Tanquam habeas tria nomina----*

Is not to be expounded, as if you were a noble man, but as if you were a free-man. Here we may also consider the two severall kinds of servants: the first were called *serui*, and they could neuer attaine to any freedome, without the consent of their master. For those that were thus *serui* were commonly captiues, either bestowed as a reward vpon this or that souldier, or bought *sub coronâ*, or of other Citizens that had gotten them one of those two former waies: the second were called properly *nexi & addicti*, because though they were free, yet by reason of their debt, *addicebantur*, that is. they were deliuered vp vnto their creditors by the Prætor to worke out the debt, so that after the payment thereof, either by mony or worke, they did recouer their liberty: whence they were said *nomina sua liberare*, when they paid the debt: as on the contrary they were said, *nomina facere*, when they became in debt. And their creditors when they sued for the payment were said *nomina exigere*: *nomen* in these and the like places signifying as much as *debitum* a debt, because the creditors did vse to write downe their debtors names. The manner of suing for their debts was as it followeth. The debt being confessed, thirty daies were allowed the debtor for the payment of the mony (those daies of respite they called *dies iustos*, *velut iustitium quoddam, id est, iuris inter eos interstitutionem & cessationem*.) The mony not payd, the debtor was deliuered vp as a servant to his creditor, yea hee was sometimes cast into prison, and vnlesse the creditor were in meane time compounded with, he remained three-score daies in prison, & three market-daies one after the other being brought before the Iudge, the debt was solemnly proclaimed, and vpon the third market-day, he was either sold to forrainers for a slaue or else was punished with death, each creditor being suffered if hee would to cut a peece of his dead body in stead of payment.

E

LIB.

x Dion. Halicar. lib. 4.

y Sig. de iud. lib. 1. cap. 31.

z Mica. Tox. ita in orat. pro P. Quintio.

a Fr. Sil. in epi. virorum illust. l. 1. epi. 6.

b Vid. Cel. Rodig. l. 1. c. 20.

Item A. Gel. lib. 2. cap. 1.

Tan.



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LIB. I. Sect. I.

*The generall diuisions of the Romane Gods.*

CAP. I.

*De dijs.*

**T**Hough *Satan* had much blinded the hearts of men in old time, yet was not the darknesse of their vnderstanding so great, but that they did easily perceiue, and therefore willingly acknowledge, that there was some supream gouernour, some first mouer, as *Aristotle* saith: some first originall of all goodnesse, as *Plato* teacheth. So that if any made this question, whether there was a God or no? hee should bee vrged to confesse the truth of that rather *argumento bacillino, quam Aristotelico*, rather with a good cudgel, then with any long dispute. But as they were most certaine, that there was a God, so were they againe very blind in discerning the true God: and hence hath beene inuented such a tedious catalogue of Gods, that as *Varro* averreth, their number hath exceeded thirtie thousand, and proued almost numberlesse. Wherefore I shall omit to make any distinct treatise of the Gods, intending *obiter*, and by the way to speake of them, which either had Priests, or sacrifices instituted for them. Onely I purpose to shew what is vnder-

stood by those generall distinctions of the Gods, which di-  
vers authors haue used, *Tullius lib. 2. de legibus* reduceth all vn-  
to three heads, Gods celestiall, which *Varro* calleth select,  
and others haue styled Gods *maiorum gentium, id est*, of the  
greater nations, because their power was greater than the  
Others <sup>a</sup> *Alexander Neapolitanus* saith, that twelue of these  
were the *Penates*, which *Aeneas* did take forth with him at  
the destruction of *Troy*. *Ouid* calleth them *Deos nobiles*,  
noble Gods: others call them *Deos consentes, quasi consen-*  
*sentes*, because *Iupiter* would doe nothing without the con-  
sent of all. *Ennius* hath deliuered them in this distich,

*Iuno, Vesta, Minerva, Ceres, Diana, Venus, Mars,  
Mercurius, Iouis, Neptunus, Vulcanus, Apollo.*

The second sorts of Gods were called *Semidei, id est*, Demi-  
gods, also *Indigetes, id est*, Gods adopted, or canonized; men  
deified. For as the select Gods had possession of heauen by  
their owne right; so these Gods canonized had it no other-  
wise than by right of donation, being therefore translated  
into heauen, because they liued as Gods vpon earth: but be-  
cause their merit was inferior, and could not parallel the de-  
serts of the Gods select, therefore were they called Gods of  
inferior note. <sup>c</sup> *Seruius* would haue these called *Dini*: ob-  
seruing this difference betweene *Dij* and *Dini*, that *Dij*  
should signifie those which had bene Gods perpetually, but  
*Dini* should signifie men made Gods, though commonly  
they are vsed one for another. Whence they called all their  
Emperours *Dini*, because for their deserts they thought  
them worthy to bee Gods. Now the <sup>d</sup> manner how a man  
became deified was this: The party to be canonized being  
dead, a pile of wood was made in forme of a great tent, or  
tabernacle, with three other lesser tabernacles one vpon top  
of another, the lowermost hauing in it dry cumbustible  
matter, but in the out- side adorned richly with gold, Iuory  
and painted tables: Hither the dead corps was to be carry-  
ed with great solemnities; the Senate, the Gentlemen, and all  
the

<sup>a</sup> *Alex. Gen.*  
*dier. l. 6. c. 6.*

<sup>b</sup> *Seruius in*  
*lib. Georgic.*

<sup>c</sup> *In Æneid.*  
*lib. 5.*

<sup>d</sup> *Rosin. Ant.*  
*lib. 3. c. 18. vid.*  
*Hospiniam de*  
*orig. Christ. F.*  
*p. 21. Vid. ex-*  
*emplum huius*  
*consecrationis*  
*in Seueri se-*  
*pultura Hero-*  
*dian. lib. 4.*  
*p. 298.*

the chiefe magistrats going before, with hymnes and songs, and all kinde of honour, which was to be performed euen to the Gods themselues. He being in this manner brought, and laid within the second tabernacle, the fire was kindled, by him who was to succeed in the Empire, for I finde none canonized but onely Emperours at their decease forthwith at the kindling of the fire, a liuing eagle was let fly from the top of the tabernacle which was supposed to transport the soule of the dead body into heauen, in so much that euer after he was canonized amongst the Gods, & worshipped as a God. And because they were thus turned into Gods, some haue called them *Deos animales*, *quoniam anima humane verterentur in Deos*. This canonization was by the Greekes <sup>e Serv. in Æn.</sup> termed *ἀποθνήσκω*, by the Latines *consecratio*. The third lib. 3. sort were those morall vertues, by which as by a ladder men climed into heauen: and therefore did men stile them Gods, because by their meanes men became deified. Late writers perceiuing that all the number of the Gods could not bee reduced vnto these three heads, haue added a fourth sort which they <sup>f</sup> call *Semones*, *quasi semi-homines*, <sup>f Rosin. antiq. lib. 2. c. 19.</sup> because ancient writers, as *Rosinus* hath obserued, called men *hemones*, not *homines*. In which point I shall willingly condescend vnto him; but I shall leaue to the iudgement of others, to determine how iustly he hath restrained the Gods *minorum gentium*, of the lesser nations, onely vnto this last *classis*: whereas my opinion is, that the demy-Gods, the morall vertues which haue beene styled Gods, and these *Semones*; may all of them be called Gods of the lesser nations standing in opposition with the Gods select, which are called Gods of the greater nations. But that wee may vnderstand what is meant by these *Semones*, we must remember that by them are signified vnto vs not those Gods, which do appertaine to man himselfe, but to the necessities of mans liuing, his victualls, his cloathing and the like: not to the being of a man but to the well being of him, of which sort is *Salus*, *Fortuna*, with others. We read likewise of other names

giuen in common to diuers Gods, not as opposite members of a diuision, but as notes of distinction drawne from the diuersity of helpe, which they seuerally did afford vnto mā. In this respect some were called *dij patrij*, or *tutelares*, such as had vndertaken the protection of any City or Towne which opinion had sometimes beene entertained by our English-men, & thence haue risen these & the like speeches *S. George* for England, *S. Denis* for France, *S. Patrick* for Ireland, &c. And the Romans being fully perswaded of the truth thereof, whensoever they went about to besiege any towne, by certaine enchantments, or spells they would first call out these Tutelar Gods; because they deeme it matter impossible to captiuat the Citie, as long as these Gods were within; or at least they thought it a crime vnexpiable to take the Gods as prisoners, and leatt other nations might vse the same meanes in besieging Rome, therefore, as divers authors haue thought, the true name of the Romane Citie was neuer knowne, least thereby the name of their Tutelar God might be descryed. Others namely the *Tyrians* haue tied fast their God *Hercules* with a golden chaine, thereby the more to secure themselves of his residence among them.<sup>b</sup> Others haue beene called *Dij communes*, namely *Mars Bellona*, and *Victoria*, because in time of war they are not bound to either side: but sometimes they helpe one side and sometimes the other. And as they supposed some Gods to haue the protection of whole countries, so did they beleue that others had the charge of particular men; and that so soone as any man was borne, two spirits did presently accompanie him invisibly, the one termed the *bonus Genius*, or good Angel, perswading him to that which should be good: the other called the *malus Genium*, or euill Angell, tempting him to that which should be hurtfull: insomuch that they thought all the actiōs of men to be guided by these Angels called *Genij*; so that if any misfortune befell a man, they would say that the matter was enterprised *Dij iras*, id est, our *Genium* being displeased with vs.

*Virgil*

<sup>g</sup> Sylvius in  
epist. virorum  
illustrum.

<sup>b</sup> Alex. Gen.  
dier. l. 6. c. 4.



Virgil calleth these bad angels *Manes*, as it appeareth by that,  
*Quisq; suos patitur manes, id est*, Every man hath  
his euill Angell, *id est*, some misfortune. These *Genij* were  
thought to be a middle essence betweene men & Gods: They  
are therefore called *Genij*, because they haue the tuitiō of vs  
so soone, as we are *Geniti, id est*, borne, it is most certain that  
old authors vsed *Geno*, for *Gigno*, whence <sup>i</sup> Tully saith, *Si mi-*  
*hi filius genitur, & Varro Antequam genat filiquas*, although  
euery place had also his *Genius*, as hereafter shall appeare.  
This opinion was the more confirmed by a vision which ap-  
peared vnto <sup>1</sup> *Brutus* in *Asia* neere vnto the time of his death, <sup>1</sup> *Plut.* in *Brut.*  
for *Brutus* watching vpon a certain night in his pauiō, the  
candle being neere spent, saw a fierce tragicall person ap-  
peare vnto him, somewhat bigger then a man, & he presently  
being of an vndaunted spirit, demanded whether he were a  
God or a man? To whom the vision answered, *Brutus* I am  
the euill *Genius*, which haunteth thee, thou shalt see me at the  
City *Philippi* againe, and the same vision appeared vnto him,  
as he was fighting at *Philippi*: which was the last fight that  
euer he fought. And because *Iuno* was wont to be inuocated  
in the time of Childe-birth, therefore many haue thought  
that euery man hath not his two Angels but one Angel, & *Iu-*  
*no* to obserue him, but it is agreed vpon by best authors, that  
as the angels or spirits which did attend men were termed *Ge-*  
*nij*: so those which guarded women were termed *Iunones*.  
This *Genius*, as often as he is vnderstood for the good or e-  
uill Angell, which hath charge of a mans body, is painted in  
forme of a man as we read did appeare to *Brutus*; though  
sometime he is painted as a young boy, sometime as an old  
decrepite man, <sup>m</sup> but alwaies with a crowne of plane tree, <sup>m</sup> *Rosin. ant.*  
which therefore was called *Genialis arbor*, in the right hand <sup>lib. 3. cap. 14.</sup>  
he held a platter ouer an altar garnished with flowers: in the  
left he held a scourge hanging downe. The sacrifice that was  
performed vnto the *Genius* was wine, & flowers: wherevpon  
(as if by wine & fragrant odors, were signified all kinde of  
plea-

<sup>i</sup> Cic. lib. 2. de  
orat.  
<sup>k</sup> Varro Rei.  
Rust. lib. 1. c. 31.

pleasures) certaine prouerbiall speeche haue bene occasioned: as when we see a man giuen much to his pleasure, and dainty feeding, we say he doth *indulgere Genio*, *id est*, pamper or make much of his *Genius*: on the contrary he that is abstemious and debarreth him selfe of his pleasure, & dainty feeding, is said *defraudare Genium*, to defraud his *Genius*: & *genialis* signifieth iocund or pleasant. <sup>n</sup> It was also the custome after meales to haue a cup passe round the table, much like vnto our *poeculum charitatis*, & it was called *poeculum boni genij*. <sup>o</sup> The *Grecians* had a like custome, whence that cup was called by them, *κράσις ἀγαθῆς δαιμονος*. But the reason, why they would not sacrifice vnto their *Genius* by kindling some host, as they did to their other gods, was, because they iudged it vnfit to deprive any creature of his life vpon that day, when they first began their life (for this sacrifice was performed yearly by euery one vpon his birth-day) *Horace* notwithstanding doth more than intimate the killing of a young pigge in that sacrifice

--- *cras Genium mero*

*Placabis, & porco bimestri. Hor. lib. 3. Od. 17.*

The other *Genius* which is supposed to haue chiefe power ouer high wayes & places, being therefore called *Genius loci*, was pictured in forme of a Snake, in which forme *Virgil* faigned him to haue appeared, to *Aeneas*, when hee performed the funerall rites due vnto his Father *Anchises*, *Aenead. l. 5.*

--- *Adytis cum lubricus anguis ab imis*

*Septem ingens giro, septena volumina traxit,*

*And Persius.*

*Pinge duos angues, pueri sacer est locus, extra.*

*Meyse, id est, duos Genios.*

Another sort of Gods was supposed to haue the keeping of mens houses: P which they painted in forme of a dogge because those to whom the charge of houses is committed ought to resemble dogs, that is, to seeme fierce, and angry towards strangers, but gentle and kinde to those of the household

<sup>n</sup> Vid. *Erasm.*  
*adag.*

<sup>o</sup> *Cel. Rhod.*  
*lib. 28. cap. 6.*

*Sap. 1.*

<sup>p</sup> *Franc. Sylv.*  
*in orat. pro*  
*Sext. Rosc.*  
*Am.*

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hold other properties wherein these *Lares* doe resemble dogs  
are recited by *Ovid. Fast. 5.*

*Servat uterq; deum, domino quoq; fidus uterq; est.*

*Compita grata Deo, compita grata canis.*

*Exagitant & lar, & turba Dianis fures,*

*Pervigilantq; lares, pervigilantq; canes.*

They were named *Lares*, & because of the charge, they had  
over mens houses, this word *Lar* is sundry times taken for  
an house it selfe, as *parvo sub Lare, Horat.* In a little cottage,  
*homo incerti laris, id est,* a man, that hath no house to dwell in.  
*Sen. in Med.* And the custome in sacrificing unto them, was  
to eat vp all whatsoever was left at the offering, for they  
thought it an hainous matter to send any of that sacrifice a-  
broad, either among their friends, or the poore: and there-  
upon when wee see a glutton leaue nothing in the platter,  
not so much as the curtesy-morsell, we say *Lari sacrificat, id*  
*est,* he sacrificeth to his house-hold God.

F

L I B.



## LIB. 2. SECT. 2.

*Of the Roman Priests with some  
particular Gods.*



**F** *Faunus* the ancientest of all the Kings in *Italy* was the first, that brought any forme of religion into *Italy*. Hee consecrated groues, gave names vnto Citties, erected Temples, ordained sacrifices, &c. from whom the Churches, as some say, were named *Fana*.

But after *Faunus*, *Evander* comming out of *Arcadia*, and afterward being king of *Latium*, he instituted, and appointed many other ceremonies, which before were vnknowne to the Latines. After him *Aeneas* comming from *Troy*, taught many of the *Troian* ceremonies: by whose examples *Romulus* & *Numa* were incited to adde many other kindes of holy rites, and at length reduced their whole religion into a certaine order, especially *Numa* who that hee might gaine the more credit and authority to his new invented superstitions, fained that he had conference about them every night with the goddesse *Egeria*. My intent therefore is, to speake first of the God, in whose honour these holy rites were performed, and then to descend vnto the Priests, which were to performe them, shewing withall the ceremonies they vsed in the performance.

CAP.

CAPIT. I.

De Pano Lyceo, sine Iuno: de Lupercis,  
& Lupercalib.

**P**An was supposed to be the God of the sheep-herds, and is thus described: he is pictured naked, hauing hornes in likenesse of the sunne-beames, a long beard, his face red like the cleere ayre, in his brest the starre *Nebula*, the neather part of his body rough, his feet like a Goat: in one hand hee holdeth a pipe, in the other a sheep-herds crooke, and alwaies is imagined to laugh. <sup>b</sup> He was worshipped first in *Arcadia*, and there called the God *Pan Lycæus*, but afterward hee was had in great esteeme at Rome <sup>c</sup> and in the honour of him certaine sacrifices, & games called *Lupercalia* were solemnized by the *Romanes*, <sup>d</sup> There he tooke the name *Iunus*, or as some say *Iunus*. Concerning the time, when these sacrifices were to be performed; it was vpon the <sup>e</sup> vnfortunate daies of the month *February*, which hath his name à *februando*, from purging: whence the feast or game is as a purification; though the Latine word signifieth as much as a feast of wolues, in a memoriall that *Romulus* and *Remus* were nursed by a shee-woolfe. This seemeth very probable, because the priests, which were called *Luperci* beganne their course at the foot of the mount *Palatine*, called by the *Romanes* *Lupercall*, id est, the place, where the wolfe nurtied <sup>f</sup> *Romulus*. The ceremonies were these: the hoast (being two Goats) was to bee slaine; and two Noble mens sonnes were to be present, whose fore-heads being blounded with the knives of them that had slaine the Goats, by and by were to be dried vp with wooll dipped in milke. Then the young boyes must laugh immediatly after their foreheads were dry. That done they cut the goats skinnies, & made thongs of them, which they rooke in their hands, and

<sup>a</sup> Seruius in Virg. Ecl. 2.

<sup>b</sup> Fenest. de sacerdot. cap. 2.

<sup>c</sup> Fenest. lib. 4 Pomponius Lætus de Sacerdot. cap. de Luper.

<sup>e</sup> Plutarch, in Romulo.

<sup>f</sup> Plutarch. in Romulo.



ran with them all about the Citty stark-naked (saying they had a cloath before their privities) and so they stroke with those thongs all they met in the way. The young wivies did never shun them at all, but were well contented to be stricken with them; beleevuing it helped them to be with childe, and also to bee easily deliuered. Moreouer it is to bee noted, that a dogge was sacrificed at this time; because there is a naturall antipathy, or contrariety of nature, betweene the dogge and the wolfe: whereby *Romulus* thought to testify his gratefultesse vnto the wolfe for her paines in nourishing him. The reason why the Priests ran vp and downe the streets naked, was, because that *Pan* the God of this sacrifice was painted naked. As the feast, so also the place from whence they came, and likewise the Priests had their names à *Lupa*, which signifieth a wolfe. Some Authors haue obserued three sorts of the *Luperci*, some called *Fabiani*, some *Quintiliani*, from *Fabius* and *Quintilius* their go-vernours: the third sort, which *Rosinus* affirmeth to haue beene added in the honour of *Iulius Caesar*, I cannot find according to his quotation in *Suetonius*. But thus much *Suetonius* saith in <sup>h</sup> another place, namely that *Augustus Caesar* when he was chiefe Pontify did restore these games againe being formerly abolished.

<sup>g</sup> Rosin. ant. l.  
3. cap. 2.

<sup>h</sup> Sueton. in  
August.

## CAP. 2.

## De Cere &amp; sacrificiis:

**C**eres otherwise called *Eleusina* was honoured first among the *Gracians*, afterward among the *Romans*, as a Goddess, which first taught men the skill of husbandry.

*Prima Ceres ferro mortales vertere terram.*

*Institut. King. Georg.*

Whence she is sometimes metonymicall taken for corne, as  
credenda

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*Credenda Ceres arvis, Ovid.* It is seed time. She is called *Ceres*,<sup>i</sup> *quasi Gerēs à gerendis frugibus*, from bearing fruit; because, as some say, by *Ceres* is vnderstood sometimes the earth it selfe, whence also *Γηήτις* being the greeke name of *Ceres* is said *quasi γήιντις, id est*, the earth, which is the common mother of vs all.<sup>k</sup> She is painted in the habit of a Matron wearing a garland of corne, sometime sorrowfull with a lampe in her hand, as if shee were seeking out her daughter *Proserpina* carried by *Pluto* into hell; and sometime with a handfull of corne or poppy-seed. Vpon the fift of the Kalends of Aprill the Romans were wont to performe sacrifices vnto her, which they called *sacra Graca, id est*, the Græcian sacrifices, aslikewise they tearmed the chiefe woman which did performe them, *sacerdotem Gracam, id est*, the Greeke Ministresse, because they were translated into Rome out of Greece by *Evander*. The time of their solemnities was at the dawning of the day, and the Priests, which were only women which ran vp and downe with lampes in their hands in manner of mad women; into whose temple none that was guilty of any fault committed might enter: whose mysteries were to be buried in silence, and by no meanes to be blabbed abroad. And as it is to be supposed, that was the reason why all wine was forbad in this sacrifice. So that hence<sup>l</sup> we say *Cereri sacrificat*, he sacrifices to *Ceres*, when he maketh a feast without wine.

<sup>i</sup> Cic. lib. 3. de nat. Deor.

<sup>k</sup> Rosin. ant. lib. 3. cap. 11.

<sup>l</sup> Plautus in Aulularia.

C A P. 3.

*De Potitijs, est Primarijs Herculis sacerdotibus.*

**H**ercules had an altar erected in the memoriall of him neere vnto *Tiber* by *Evander*, vpon occasion of the heards-mens complaint brought vnto *Evander* of him, whom they accused to haue slaine their chiefe heards-man *Cacus*, the History being<sup>m</sup> thus. *Hercules* after his conquest

<sup>m</sup> Ser. lib. 8.

quest ouer *Geryon* brought away with him certaine goodly Oxen, and as well to rest himselfe, as to pasture his Oxen, he laid him downe to sleepe in a Greene field neere the riuer *Tiber*. In the meane while a certaine heards-man called *Cacus* happened to come that way, and perceiuing *Hercules*. to be in a sound sleepe, he stole away two of his Oxen, which hee had in a caue, or hollow rocke pulling them in by the taile backward, thinking that *Hercules* when he should looke his oxen and see the print of his footsteps, would easily beleue, that his oxen had rather gone out from that rock thē into it, as indeed he did for a time beleue but afterward by the bel-  
lowing of the oxen within answering their fellows without, *Hercules* entred the rocke, & finding the theefe *Cacus* there with his oxen, he killed him, by reason of which murder hee was brought before *Evander*; and aftra while knowne to be the *Hercules*, of whom the Prophetesse *Garmenta* had foretold vnto *Evander*, that he should be a God, Wherevpon *Evander* presently saluted him by the name of *Hercules* the sonne of *Iupiter*, and in honour of him caused an altar to be built there in that place: vpon which yearely was to bee offered vp an heifer which had never borne yoke; and that this sacrifice might be had in the more esteeme, two Noble men well stroken in yeares, and of good repute among the *Romans*, one of them being called *Potitius*, and the other *Pinaris* were appointed as the Priests to performe these sacrifices; from whom ever after *Hercules* his Priests were called *Potitij*, and *Pinarij*. Where by the way we must obserue, that *Pinaris* Was not the sur-name of this Noble man, but, a name added vnto him, intimating his, and his successors punishment for not comming soone enough according to the time appointed by *Hercules*. For as <sup>n</sup> divers writers testify, the entrals of hoast were almost eaten vp by the family of *Potitius*, before *Pinaris*, and his family came, and in punishment of their negligence *Hercules* enioyned the *Pinarij* never after to eat of the entrals giuing them this name *Pinarij* at that

<sup>n</sup> Serv. Ænci.  
lib. 8.

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that time, from the Greeke word *mirn* signifying hunger.

CAP. 4.

*De Fratribus arvalibus,*

**T**His Colledge or company of Roman Priests may be Englished the *Arvall* fraternity: the number of the being twelue, eleuen of them naturall brothers, sons to *Acca Laurentia Romulus* his foster mother; ° for which respect *Romulus* yeelded himselfe her adopted sonne, instituting this order in the honour of *Ceres* & *Bacchus* for the plenty of wine and corne vnto whom they did offer vp certaine sacrifices called *Ambaruales hostia*, *quod antequam maturentur ter circum arua ducebantur*, according to that of *Virg. Georg.* *Terg, nouas circum faelix eat hostia fruges*, that they being therewith appeased might the willinger cause the earth to fructify, & added himselfe to the former eleuen as the twelue priest or brother to helpe in the performance of this publike sacrifice, moreover beside the performance of this sacrifice, these twelue were appointed *arbitrators*, or judges to decide controversies concerning land-marks and bounds of the field, from whence they tooke their name *fratres Aruales*. Their sacerdotall ornaments was a garland of wheat bound vp with a white riband, this being, as *Pliny* *Plin. lib. 17* writeth, the first crowne, or garland amongst the Romans. *cap. 2.*

° Feneft. de  
Sacerd. c. 3.

Hosp. de orig.  
Monach. c. 10.

CAP. 5.

*De sexaginta Curionibus.*

**A**Fter that *Romulus* had divided the whole body of the Romans into three Tribes, or wardes, and subdiuided those three wardes into thirty parishes, called *Curia*, he ordained out of each *Curia* two parish priests or Curats called *Curiones*, or *Flamines curiales*; which were pub.

q Dion. Hal.  
lib. 2.

r Dion. Hal.  
lib. 2.

publicly to offer vp sacrifice in the behalfe of the people. Neither was every one equally capable of this honour of Priesthood; q but he was to bee at the least fifty yeare old, of a life vnspotted, and a body vnmaimed. And ouer all these there was one which had chiefe rule, and therefore was called *Curio Maximus*, the Bishop, or chiefe Prelate: and these sacrifices were called *Curionia*. r Their sacrifice being ended each parish had a feast in a common hall built for that purpose: it was called *Domus Curialis*, and sometimes *Curia*.

## CAP. 6.

## De Auguribus, &amp; eorum Collegio.

**A**mongst other kinds of Fore-tellers we read of three principally vsed in former time, namely, *Aruspices*, *Auspices*, & *Augures*: all which wee english sooth-sayers, though the Latine words doe import a maine difference worth our observation: all are alluded vnto by *Ouid*.

Ouid. trist. l. 1.  
Eleg. 8.

*Hoc mihi non ovium fibra, tonitrusve sinistri,  
Linguae servatae, pennae dixit avis.*

The *Aruspices* did divine, or foretell things to come by beholding the entrails of beasts sacrificed: whence they had their name. *Ab aras inspiciendo*, frō beholding the altars. The *Auspices* did foretell things by beholding the flight of birds so that *Auspices* are said *quasi avispices*, *ab aves aspiciendo*. The *Augures* did divine from hearing the chatting or the crowing of the birds: whence they are called *Augures ab avium garritu*, frō the chirping & chatting of birds. These two last kinds of soothsaying haue occasioned these, and the like phrases, *bonis avibus*, or *auspicijs*, with good lucke, *malis avibus*, *id est*, with ill lucke: and because they would beginne nothing *inauspicato*, *id est*, without the counsell of the *Augures*, hence *Auspiciari rem* hath beene translated, to beginne

s Fr. Sylv. in or-  
rat. pro Ci-  
ventio.



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ginne a matter. The Colledge of the *Augures* at Rome was first appointed by <sup>a</sup> *Romulus* himselfe being very expert in soothsaying, there being at the first but three, namely one of each tribe: (The word *Augur* being not taken in his owne proper sense and signification aboue mentioned; but generally by the trope *Synechdoche*, signifying all kinds, and sorts of diuining whatsoeuer, whether it were by obseruing the entrails of beasts, the flying, screeching, and chattering of birds, or thundring, or lightning in the heauen, or marking the rebounding of crums cast vnto birds, which kinde of diuining was called *Tripudium*. (\* *Seruius Tullius* the sixth Roman King, when he diuided Rome into foure locall tribes: *id est*, Regions, or quarters, then did he adde the fourth *Augur*, all of them being elected out of the *Patricij* or the Nobility of Rome, y In proesse of time *Quintus*, and *Cnaeus Egnatius* being chosen *Tribuni plebis*, *id est*, Protectors of the commons, obtained that five other *Augures* should be chosen out of the commonaltie, and added vnto the former foure: at which time the Senate decreed that the Colledge of *Augures* should neuer exceed the number of nine. <sup>z</sup> Notwithstanding *Sylla* being *Dictator* added six more, insomuch that their Colledge increased to the number of fifteen: the eldest of which was called <sup>a</sup> *Magister Collegij*, the master or *Rector* of the Colledge. The *Augures* excelled other Priests in <sup>b</sup> this respect, because if any of them had beene convinced of any haynous crime, he did not loose his office, neither was any other subrogated into his roome, although the Roman custome was, that if any other Priest had committed any notorious offence, he should presently be discharged of his office, and another chosen in his place. The manner how the *Augur* did obserue was this: He sate vpon a Castle, or a Towre, the ayre being cleare, and faire without clouds or raine, holding a crooked staffe, (called in Latine *Lituus*) in his hand, where sitting in his soothsaying robe, called *Lana*, and in Greeke *πλαῖνα*, *ἡ ἐκ τοῦ χαλκίου*, *a calefaciendo*, from heating, because it was well

<sup>a</sup> Pomp. L. 2. tus cap. de Augur.

<sup>x</sup> Rosin antiq; lib. 3. cap. 8.

<sup>y</sup> Rosin ibid.

<sup>Rosin</sup> id.

<sup>a</sup> Alex. Gen. dier. l. 5. c. 19. <sup>b</sup> Alex. ib.

<sup>c</sup> Pomp. L. 2. tus. de. Aug.

lined within, being garded in the outside with purple and crimson gards) hauing his head couered, and his face turned toward the east, so that his back was west-ward, his right side south-ward, and his left north-ward. Being thus placed he quattered out with his crooked staffe the heauen into certaine *templa*, *id est*, Regions, or places, obseruing in what region the birds did appeare: Then killing his sacrifice, and offering vp certaine prayers called *Effata*, he proceeded in manner as followeth. But first suppose we for our better vnderstanding hereof, that now the *Augures* were to resolue the people, whether the Gods would assent that *Numa Pompilius* shou'd bee King. The *Augur* hauing done as aboue is shewed, his *Litus* being in his left hand, he reached forth his right hand putting it vpon *Numa Pompilius* his head, vsing this forme of words, *Iupiter pater, si fas sit Numam Pompiliu, cuius ego caput teneo, regem Romae esse, uti nobis signa certa acclara sint inter eos fines, quos feci, id est*: If it be lawfull for this *Numa Pompilius*, whose head I hold to be King of Rome, shew some manifest tokens within these regions, or quarters which I haue described. Then if he obserued luckie signes & tokens he presently pronounced *Numa Pompilius* King of Rome: if he perceiued vnlucky tokens, the did he *obnunciare*, or gaine-say, and shew that the matter proposed was not pleasing to the Gods. Whereby the way we must note, that nothing was confirmed by the *Augures* without the appearance of two lucky tokens one after another; neither was any thing gaine-said by the appearance of one only euil tokē. The distinctions of the soothsayings haue beene taken, some from the euent, & thence are they called *prospira*, lucky, or *aduersa*, vnlucky. Some from the manner of their appearing, <sup>d</sup> and that was either wished being called therefore *impetratina*, or vnwished called *oblatina*. Some from the diuersity of things which offered themselves in time of diuining, and so there were five distinct sorts: The first was by the obseruing of lightning, and thunder from heauen; the second from the flying, and chatting

d Serv. Aenei.  
lib. 6.

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 chatting of birds; the third from bread cast to pullers, or little chicken; the fourth from foure footed beasts, which either should crosse the way, or appeare in some vnaccustomed place; the fift from those casualties, whereby the Gods doe make their anger appeare vnto vs. Of this sort are those voices which we heare we know not whence; (as <sup>c</sup> Cadmus <sup>e</sup> Vox subito audita est neque erat cognoscere promptum <sup>V</sup>nde de, sed audita est Ouid. Met. lib. 3. fab. 1. heard when he ouercame the serpent) the falling of salt towards vs at the table, the shedding of wine vpon our cloaths. From which casualties, and the like the *Augures* would pronounce either good fortune, or bad to ensue: And these tokens were therefore called *Dira*, because thereby *Dei ira nobis innotescit*, the Gods anger is made knowne vnto vs. Now the things that in diuining time appeared on the left-hand were commonly tokens of good lucke, because the giuers right hand in bestowing a benefit is opposite to the receivers left-hand. Whence *sinistrum* though in humane affairs signifieth as much as vnluckie, yet in those holy rites of diuining *sinistrum* is taken in a contrary sense as *Avis sinistra*, good luck, *Intonnit lauum*, it hath thundered luckily, we shall haue good successe: and it is said a *sinendo*, because the Gods thereby doe suffer vs to proceed in our purposed projects. And therefore Tully saith, lib. 1. de diuinatione, *A sinistra cornice ratum, & firmum augurium fieri*: and in the law of the 12. tables it is said, *Ave sinistra populi magister esto*, <sup>d</sup> The *Gracians* from hence in the iudgement of *Lipsius* haue called the left hand *ἀπισία* from *ἀπισος* signifying the best. <sup>d</sup> Lips. Ele8. lib. 2. cap. 2.

## CAP. 7.

### De Tripudijs & pullarijs.

THIS kinde of coniecturing is called *auspicium coactum*, & quoniam necesse erat offa obiecta cadere frustum ex pulli ore, cum pascitur. The word *Tripudium* is vsed by a syncopation for *terripudium*, which is as much as *terripavium*

*vium, id est*, a dancing or rebounding of any thing vpon the ground: for *pavire* is the same with *ferire*, <sup>b</sup> Others say *Tripudium quasi tritio pedum*. It is here taken for the diuining, or coniecting of good or euill to come by the rebounding of crummes cast to chicken in a coob or pen: whence the *Augur* from these pullets or chicken was called *Pullarius*, *id est*, a Bird-Prophet. <sup>i</sup> The manner in obseruing was this. As often as by this kinde of coniecting they desired to know the Gods pleasure concerning the enterprizing of any matter, early in the morning those that were skilfull in this kinde of obseruation, repaired vnto the place where the chicken were kept, where silence being commanded, and the coob opened, they cast crummes of bread to the chicken. Now if the chicken either came slowly, or not at all vnto the bread, or if they walked vp and downe by it not touching it, then was it a token that the matter to be enterprized was displeasing vnto the Gods: but if contrarily the chicken did hastily leape out of the coob and eat so greedily of the crummes; that some should fall out of their mouths againe, then the *pullarius*, that is, the *Augur* pronounced that it was well pleasing to the Gods, and encouraged the enterprizing of what they had intended cheerefully: and this was called *Tripudium solissimum*. This kinde of coniecting may seeme to haue its originall from the *Lycians*, <sup>k</sup> who as often as they desired to foreknow the successe of any enterprise, they went vnto the fountaine dedicated to *Apollo*, into which they cast baits for the fish: now if the fishes did eat them, it did betide good lucke; if otherwise they neglected the baits, then it did betoken some euill euent.

<sup>b</sup>Humbert. in  
lib. 6. Ep. fam.  
Cic.

<sup>i</sup>Alex. Gen.  
dier. l. 1. c. 29.

<sup>k</sup>Alex. ib.

CAP. 8.

De *Aruspiciis*, *Aruspiciis*, & *Extispicio*.

**T**His kinde of Sooth-sayers; as they were called *Aruspices* *ab aras aspiciendo* from beholding the beast upon the altar; so were they called *Extispices*, *ab extra aspiciendo*, from beholding the bowels or entrails of the beast; called in Latines *Extra*. In this kinde of soothsaying the *Aruspex* obserued in manner as followeth: first whether the beast to be sacrificed came vnto the altar willingly, without plucking and haling; whether he died without much struggling, or lowd bellowing; at one blow or many; whether any vnluckie object were seene, or heard by them, whiles they were sacrificing. Againe after the beast was slaine, then would they obserue, whether the bowels were of an vnnaturall colour, whether they were not vicerous, exsiccate, or impostumated: moreover they would diuide the bowels into two parts, the one they would call *partem familiarem*, from whence they would fore-tell what would befall themselves, and their friends; the other they would call *partem hostilem*, whence they gathered prædictions touching their enemies. Hence *Manto* in *Seneca* describing the entrails of his killed sacrifice saith, *Hostile valido robore insurgit latus*, meaning by *hostile latus*, *partem hostilem*. Afterward when the sacrifice was to be burned, they considered, whether the flame of the fire was smokie, whether the smoke rolled and tumbled in the ayre, whether it were of any continuance or no: for all these were vnfortunate tokens, as the contrary did betoken a good & fortunate issue to their designments. These last which obserued the fire and smoke were called by a more peculiar name *Capnomantes* smoke-augurers from the Greeke words *καπνος* signifying smoke, and *μανης*, *id est*, *vates*, or a Soothlayer. The first instructions that the Romans received

*Seneca, Ged.  
Act. 2. scen. 2.*

*Oedip.  
Act. 2. scen. 2.*



n Cic. de diu-  
nat.  
Indigena dixere  
Tagem, qui pri-  
mus Hetruscum  
edocuit gentem,  
casus aperire  
futuros Ovid.  
Met. lib. vi.

was from the *Hetrusci*, (who as they themselves say) re-  
ceiued their knowledge from a little boy, which they named  
*Tages*, the history being thus. <sup>a</sup> When the *Hetrusci* were  
plowing their lands, vpon a suddaine vpstart this *Tages*  
out of one of the furrowes vsing diuerse speeches vnto the  
plow-men: but they being much affrighted at this sudden,  
and strange vision, beganne with a lowd cry to lift vp their  
voyces; vpon occasion whereof many other people flocked  
thither, where he gaue many good instructions concerning  
this kinde of soothlaying, which were presently recorded in  
books, and practised afterward by the *Hetrusci*.

## CAP. 9.

## De Flaminiis.

<sup>a</sup> Rosin. Antiq.  
lib. 3. c. 15.  
<sup>p</sup> Rex. Anius  
Rex idem homi-  
num Phebiq; sa-  
cerdos Virg.

THE mitre or head-ornament which these Priests did  
weare, was called in old time *Flama*, whence the  
Priests tooke their name *Flamines*. The <sup>p</sup> custome amongst  
the *Gracians*, as likewise afterwards among the *Romanes*  
was, that the Kings should aswell performe ceremonies, and  
holy rites of religion, as ciuill businesses. But *Numa Pompe-  
lius* perceiuing that forraine warres did oftentimes occasio  
the Kings absence, in so much that those religious ceremo-  
nies which he himselfe personally should performe were of  
necessity sometimes neglected, hereupon he ordained out of  
the *Patricij* three Priests to performe that diuine seruice vn-  
to *Iupiter*, *Mars*, and *Romulus*, which he himselfe otherwise  
ought to haue performed; calling the first *Flamen Dialis*, the  
other *Flamen Martialis*, and the last *Flamen Quirinalis*, from  
*Romulus*, which was often called *Quirinus*.

*Sine quod hasta quiris priscus est dicta Sabinis,*

*Bellicus at telo venit in astra Deus.*

*Sine suo regi nomen posuere Quirites.*

*Sen quia Romanus innoxerat ille Cures.*

In

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In proceſſe of time twelue others choſen from the commons were added vnto theſe, but with this note of diſtinction that the three firſt were had in greater eſteeme, and were called *Flamines maiores*, high Priests; the other of leſſe note called *Flamines minores*, inferior Priests. The chiefe of all was the *Flamen Dialis*, *Iupiters* high Priest, and whereas euery one did weare a certaine bonnet in forme of a mitre, which ſometimes was called *Pileum*, ſometime by the figure *ſynecdoche*, *Apex* (whereas *Apex* doth properly ſignifie onely the top of the bonnet) ¶ none might weare *Albo-galerum*, *id est*, a white mitre, but onely *Iupiters* Priests, and that was to be made of a white ſheepe-skin, after the ſheepe had beene ſacrificed. Whatſoeuer malefactor could eſcape vnto this Priest, he ſhould not be puniſhed that day. None was eligible into this office, but he that was married: neither was it lawfull for him to marry twice, but if his wife died, *Flaminio abibat*, *id est*, he reſigned his ſacerdotall office. To him was permitted a rich robe of ſtate, and a currule chaire: none might fetch fire out of his houſe; vneſſe it were to performe ſome ſacrifice therewith. ¶ None might barbe or poll him, but a free-man, and that with braſen ſciſſers. Many other ceremonies there were which concerned this *Flamen*, as likewise time added many other *Flamines*, namely 'euery God one, yea ſometime thoſe threeſcore Pariſh-Priests which formerly were called *Curiones*, were called *Flamines Curiales*; and diuers Emperors after their death had alſo their *Flamines*. ¶ Moreouer wee muſt note that thoſe Priests wiues were called *Flaminica*; Their miniſters (for they were wont when they went to ſacrifice to take a boy or a maid with them *Flaminij*, or *Flaminia*: And the chiefe *Flamins* dwelling houſe was called *ades Flaminea*, or *Flaminia*. But as it ſeemeth probable *Numa Pompilius*, and ſo the other Kings ſucceeding him did ſtill reſerue their right and authority in holy matters ſo farre, that they would inſtruct other inferior Priests, yea and ſpecially performe ſome ſpeciall ſacrifices themſelues;

¶ *Alex. Gen. dier. l. 6. c. 12.*

¶ *Servius Æn. lib. 1.*

¶ *Feneſt. de ſacerd. cap. 5.*

¶ *Alex. Gen. dier. l. 6. 12.*

⁂ Serv. in Æn.  
10.

themselves : wherupon after that the Kings authority was abrogated amongst them, then that these sacrifices might be continued they chose a certaine Priest, which they preferred before the *Flamen Dialis*, but iudged him inferior to the *Pontifex maximus*, or Arch-Pontific, and him they called, *Rex sacrificulus*, and *Rex sacrorum*, the King-Priest. To him once euery yeare the vestall Nunns repaired, and vsed this forme of words, *⁂ Vigilaſne Rex? Vigila.* King art thou awake? awake. For vnto him it did belong to bid holy-dayes, and to provide all things necessary for publike sacrifices. He was to instruct those that fought vnto him, the causes of the holy-dayes, and to tell them what was lawfull & vnlawfull euery month, and vpon the fifth of the Ides of Ianuary he sacrificed a Romane to *Iauus*. He was likewise wont to offer vp a sacrifice in the *comitium* or great hall of iustice, which being finished he ranne as fast as hee could out of the market-place without delay. His wife was called *Regina sacrorum*, the Queene-Priestesse, and was wont vpon the Kalends of euery month to sacrifice a porker or a lambe in her place in the honour of *Inno*.

## CAP. 16.

*De mare, siue Manorte, & Salijs  
Palatinis Marti dicatis.*

**M***Ars* otherwise called *Mavors* by the figure *Epenibesi*, as we say *Induperator* for *Imperator* was reputed the God of warre, and so *Metonymicā*; is vsed for warre as *vario Marte pugnatum est*, the battell was doubtfull; *proprio Marte*, by ones owne strength, and labour. Hee was the sonne of *Inno* onely without company of her husband : for when *Inno* was greatly displeased with her selfe, that *Iupiter* by striking her head without company of a woman did bring forth the goddesse *Minerva*, she by the counsell

counsell of the goddesse *Flora* touched a certaine flowre in the field of *Olenus*; by vertue whereof, she immediately conceived the God *Mars*. This God, by reason of his dominion in warre the Romanes painted fiery, sometimes in his chariot, sometimes on horsebacke, with a lavelin in one hand, and a Scourge in the other. In old coines there was sometimes the picture of a cocke ioyned with him, to shew the vigilancy, and carefulnesse that souldiers are to use. Hee was called \* *Gradivus* à *gradiendo* from marching in battell against his enemies. He had a temple without the Citty, whence he was called *Extra muranens*. Neere vnto this temple without the gate *Capena*, did lye a stone of great note, which vpon great droughts, the people would bring into the citty, & presently Raine would follow; wherevpon it was called the Raine-stone, *Lapis manalis a manando*. *Numa pompilius* in the honour of *Mars*, surnamed *Gradivus*, ordained 12. dauncing Priests, called *Salii* à *saliendo* from dauncing, which number afterward we finde to have beene doubled by *Tullus Hostilius*, in the war against *Fidena*, a towne of the *Sabines*. The former 12. being called *Salii palatini*, from the palatine Mount, where they did beginne their mauriske; the other, *Collini*, from the hill where their chappell stood; and sometimes *Quirinales*: and sometimes *Agonales*: so that the whole Colledge contained 24. Priests. The occasion of their first institution was this: Vpon a certaine time, in the raigne of *Numa*, the plague, or some other contagious sicknesse was very hot among the Romanes, insomuch, that no sacrifice, or holy offering could remoue it: at that time a certaine brazen Target, or Scutcheon, called in Latine *anea pelta*, or *ancile*, bigge at both ends, but cut like an halfe Moone on each side, fell from heauen into *Numa* his hands: with a certaine voice promising all health vnto Rome, so long as that brazen target could be kept safe. Wherevpon *Mamurius*, a cunning workman, by the appointment of *Numa*, made eleuen other *anciles* so like the first, that neither could be knowne from the o-

x *Rosin. anti.*  
lib. 2. cap. 10.  
y *Rosin. ibid.*

z *Plutarch. in*  
*Numa.*

a *Dion. Hali-*  
*carn. lib. 2.*  
b *Plutarch. in*  
*Numa.*

ther: (to the intent that if any should be so wicked minded as to steale it, he might faile of his purpose by mistaking one for another.) These twelue Priests, had the custody & keeping of them committed to their charge, and in the month of *March* every yeare they apparelled themselves with a party coloured coat, called *tunica versicolor*, girt close to their body, with a belt, or sword-girdle, and a breast-plate of harnesse, called *anum tegmen* vpon that, & a robe of estate called *tarbea*, clapsed about them vpmost of all. Vpon their heads they did weare *apices*, id est, Caps much like vnto the *Persian Bonnets*, called in Greeke *κροσσιας* or *κίρας*. They did somewhat resemble our head-peeses in warre, made close vnto the head, with a crest of cloath vpon the top, whence some haue called them *Galeas*. They being thus apparelled, danced about the *Forum*, or market-place, and the Capitoll with short swords by their sides, a Iauelin in the right hand, & their *ancile* in the other; vsing certaine Songs, either of the gods, and those they called *Iannali*; *Lunoni*, and *Minarui*, or of men, and those they called *examenia*, because in those Songs they did *axare*, id est, nominate and call vpon the names of some well deserving men: as *Mamurrius* which made those eleaven Scutcheons, was often called vpon in those Songs. Vpon their festiual daies they had excesse of cheere, whence *Horace* hath vsed, *saliares dapes*, to signify dainty fare.

*Dion. Halicarn. lib. 2.*

*d Horat. lib. 1.*  
*Dec. 57.*

## CAP. II.

De *Facialibus*, & *Patro patrato*.

THESE *Faciales* were Officers at Armes, or Heralds, to denounce war, or proclaime peace, appointed therevnto at first by *Numa Pompilius*. The chiefe part of their Office was to dissuade the *Romans* from molesting any confederate Nation with vniust warre, and if any confederate

*Pomp. L. 2.*  
*aus de sacer d.*  
*Dion Halicarn. lib. 2.*



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confederate Nation did offer injury vnto the *Roman* people, then did these *Faciales* goe as Embassadours vnto the; perswading, and exhorting them to yeeld the *Romanes* their right: but if they continued thirty daies obstinate, refusing to yeeld vnto that which should be iust and right, then did they presently denounce warre against them, casting forth a dart in token thereof: which denunciation was <sup>g</sup> called *clavatio à clarâ voce, quâ utebantur Faciales*. Others are of opinion, that whensoever warre was denounced, this Herald at Armes, should <sup>h</sup> turne loose a Ramme vnto their enemies borders; signifying thereby, that their fields should shortly become pasture for the *Romanes*: from which custome wee say of one that challengeth another into the field, *Arrietem emisit*. Againie if the *Imperator*, or Lord, generall had done ought against his Oath, these *Faciales* by their sacrifice did avert the wrath of the Gods from him. The chiefeft of them was called *Pater-patrus*, a perfect Father: for he onely could be *Pater-patrus*, which had both children of his owne, and his Father also aliue. They were called *Faciales à facere faciendo*, from making a league or peace betweene Nations. This league which we in Latine doe call *Fœdus*, the *Romanes* in old time <sup>i</sup> did call *Fidus*, as *Ennius* <sup>i</sup> *Pighius* *Septim.* lib. 1. and *Pighius* witnesse: whence these *Faciales* were tearmed also *Fices Flamines*.

<sup>g</sup> Serv. Aca. lib. 10.

<sup>h</sup> Vid Erasim, Adag.

<sup>i</sup> Pighius Septim. lib. 1.

C A P. 12.

*De Duum viris, & Decemviris, & Quindeseviris, sacris faciendis, item de Sibyllis.*

THIS Priest-hood had its first institution, from *Tarquinius Superbus*, whose office was as well to expound, as to keepe the Oracles of those tenne Prophetesses so famous throughout the world, called *Sibyllæ*. Concerning whom <sup>k</sup> *Munster* hath these words: In times past there came

<sup>k</sup> Munster. in sua Cosmog. lib. 2.

H 2.

a strange

a strange woman to *Tarquinius* the King offering nine bookes, full of the *Sybilline* Oracles to be sold: But *Tarquinius*, thinking the bookes too deere, refused to buy them, the woman departing, burned three of these bookes, and came the second time vnto *Tarquinius*, demanding as much for those sixe bookes, as formerly she had done for the nine. *Tarquinius* began to deride her, whereat the woman departed, and burned three more, returning againe vnto *Tarquinius*, and asking as much for the three left, as she asked at first for all nine. Then began *Tarquinius* more seriously to be thinke himselfe thereof, & sent for his *Augures*, asking counsell and aduise of them. And they vnderstood, by certaine signes obserued, that the King had refused some speciall goodnesse sent from the Gods, & for the bookes that remained, they aduised, that the woman should haue what she asked: As soone as the woman had delivered her bookes, shee presently vanished, and was never seene againe; onely warning them to keepe the bookes as safe as possibly they could. For the safe keeping of these, *Tarquinius* chose two of the Noblemen, or *Patritij*, calling them *Duum.viri*, appointing them, as well by study to expound, as with care to keepe those Oracles. In proesse of time, the people obtained, that ten should be appointed to this office, <sup>1</sup> five of them being chosen out of the Commons, and five out of the Nobles: and then they were called, the *Decem.viri*. Afterward by *L. Sylla* as it is thought, five more were added, so that they were then called, the *Quindecem.viri*: nay the number was encreased by *Sylla* vnto forty, <sup>m</sup> as *Servius* thinketh, but still called by the name of *Quindecem.viri*. Of these women that had the spirit of prophecy, ten were very famous: the first was called *Perfica*, the second *Libyca*, the third *Delphica*, the fourth *Cumana*, the fifth *Erythraa*, the sixth *Samia*, the seventh *Cumana*, the eighth *Hellepontia*, the ninth *Phrygia*, the tenth *Tiburтина*. They all prophecied of the incarnation of *Christ*. The place where these bookes were kept, was within the Capitoll vnder

1 Fensile. de  
acerd. c. 13.

m Serv. An.  
lib. 6.

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under ground in a chest of stone, where they remained safe  
vntill the burning of the Capitoll, at which time they also  
were burned. Notwithstanding, many of the prophecies haue  
beene knowne, partly by tradition, and partly being ta-  
ken out of other Copies in other Countries. One of the pro-  
phesies concerning our Saviour Christ, was vttered by *Si-*  
*bylla Delphica* in manner as followeth: *Nascetur propheta*  
*absq; matris coitu ex utero eius*, that is, There shall bee a Pro-  
phet borne without any copulation of the mother, even out  
of her wombe. It was spoken at *Delphos*. All their prophe-  
cies were of that certainty, that when we would averre any  
thing to be vndoubtedly true, we vse to say, it is *Sibylla fo-*  
*lium*, as true as *Sybillas* Oracles. The *Cumæa Sibylla*, did  
write her Oracles at the mouth, or entrance of her Caue, in  
leaves of trees, which the fiercenesse of the winde did often-  
times so scatter, that they could hardly be brought in order  
again: insomuch that when we would shew the great diffi-  
culty of bringing things in order wee may vse *Politian*. his  
words, *Laboriosius est, quam Sibylla folia colligere*. it is easier  
to gather *Sybillas* leaues. This name *Sibylla* is not a proper  
name, but an appellatiue, common to all women endowed  
with the spirit of prophecy, taking their denomination from  
*nês* which is in the *Eolicke* dialect the same that *Θεός*, id est,  
God, and *βουλή*, id est, counsell, because they did open and  
declare the counsell and determination of God vnto the  
people. It appertained also vnto these *Quindecim viri* aboue  
mentioned, to see that sacrifice, and diuine service, that sup-  
plications, and processions, expiations, and all ceremoniall  
rites were duly performed.

*n Munster. in  
sua Colmog.  
lib.*

*credite me vo-  
bis solum reci-  
tare Sibylla.*

*o Epist. lib. 1.  
epist. 1.*

*p Serv. Ænī.  
lib. 6.  
not's enim  
Deos, non  
Deos: &  
consiliū non  
βουλὴν sed  
βουλὴν appel-  
labant Æolico  
genere sermonis  
Lati. de  
falsa religione,  
lib. 1. cap. 2.*

## CAP. 13.

## De Bonâ deâ, &amp; sacrâ eim.

THIS Goddesse, which is so famous by the name of *Bona dea*, is the Globe of the earth, which is therefore termed *Bona dea*, the good Goddesse, because we reape so many good things from the earth. She is called also *Ops*, the helping Goddesse *ab ope*, from helpe, because by her helpe we liue. She is called *Fatna*, and *Fauna*, *id est*, the Goddesse of speech, because young children doe never speake vntill they are able to goe, and so haue touched the earth. The *Grecians* called her *ῥωμαια θεῖς*, the Femall Goddes, because that no Male might be admitted to her sacrifices; nay the very pictures of men were at that time to bee covered. The inner roome, where her sacrifices were, was called, *τὸ ῥωμαίων* the place for womens assemblies. ¶ Those that were chiefe in these sacrifices, were the Vestall Nunnes. This good Goddesse was supposed to be the wife of *Faunus*, & vpon a time to haue bin taken drunk with wine by him: for which fault *Faunus*, is said to haue beaten her to death with rods of Mirtle tree. But afterward being sory for that he had done, in amends he made her a Goddesse: and as it were ever after detesting the Mirtle tree, hee hallowing all other hearbs, and flowers to be vsed in these sacrifices, forbade the Mirtle tree. Some say she was so chaste, that she neuer was seene by any man but by her husband, and in respect of her chastity the Mirtle tree is forbid, because it was consecrated to *Venus*. But whereas in this sacrifice they vsed wine, they called it not by the name of wine, but milke or hony: whence they called the vessell where in the wine was put, *amphoram mellariam*, *id est*, the hony vessell. This sacrifice became very famous by reason of *Clodius*, who being in loue with *Popeia*, *Iulius Cæsars* wife, came vnto these sacrifices in womans apparell and was

¶ Cic. orat. de  
Arusp. respon-  
sis.

¶ Alex. Gen.  
dier. l. 6. c. 8.

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was found out by *Aurelia*, *Iulius Caesars* mother. This *Clodius* became so infamous for this, and other his adulterous pranks that hee occasioned a common proverbe amongst the *Romanes*, *Clodius accusat machos*, answerable to which our English proverbe is, One theefe acculeth another.

CAP. 14.

*De Cybelle, & sacerdotibus eius.*

**T**His Goddesse *Cybele*, or rather *Cybelle* was in her infancy exposed vnto wild beasts, vpon the hill *Cybellus*, where she being nourished by the wild beasts afterward became a woman of admirable beauty. and being found by a shepheards wife, was brought vp by her as her owne child, & called *Cybelle*, from the hill *Cybellus*. She excelled in all naturall gifts, and was the first that vsed a Taber and Pipe, and Cymbals among the Greekes, Moreouer shee tenderly loued children, and therefore was called *magna mater*: shee was also called *mater deorum*, the mother of the Gods.

*Ipsa deum fertur genetrix Berecynthia. Virg.*

Shee was called *Rhea*, a *rho*, to flow, because she doth flow and abound with all kinde of goodnesse. She was also named *Pessinuntia*, from the City *Pessinus* a Mart-towne in *Phrygia*, where she had a Temple. Moreouer, shee was called *Berecynthia*, from the hill *Berecynthus* in *Phrygia*, where she was worshipped. Her Priests were called *Galli*, and their chiefe gouernour *Archi-gallus*: they tooke their name from a certaine Riuer in *Phrygia*, called *Gallus*: of which whosoever dranke, he became so mad, that he would presently geld himselfe, (as in truth all her Priests were enioyned to geld themselves with a fish shell.) The originall of which custome is rendred thus: *Cybelle* loued a young man of *Phrygia* called *Atys*: and him she appointed chiefe overseer for her sacri-

(Pomp. Lxtus.  
de sac. erd.

fice.



1 *Cybelleius Actus*  
*Exiit hac ho-*  
*minem*  
*synecg. indu-*  
*mit illo. Ov.*  
 Met,

2 *Rosin. ant. l.*  
 3. cap. 27.

fice vpon condition that he would keepe himselfe chaste perpetually: But hee not long after defloured a Nymph, for which fact, *Cibelle* bereft him of wits and vnderstanding, so that he in his madnesse did geld himselfe, and would haue killed himselfe also: had not the Gods in their commiseration towards him, turned him into a Pine tree. In remembrance of him ever after her Priests were gelded. Every yeere the *Prators* did sacrifice vnto this Goddesse. But the performance of the holy & religious rites at that time did belong vnto a *Phrygian* man, and *Phrygian* woman chosen for that purpose: which according to the manner of their Country being apparelled with a party-coloured garment, called in *Larine* *Synthesis*, or *amicus variegatus*, & carrying the picture of their Goddesse about with them in the streets, they strooke their breasts with their hands, keeping tune with the Tabers, Pipes, and Cymbals, which other people following plaid vpon: The Priests were also called *Corybantes* from one *Coribantus*, which was one of her first attendants. And herevpon we call the Cymball *era corybantia*. In this manner dancing about the streets, they begged mony of the People whom they met: and hence were they named, *Cibelle* her collectors, or her *circulatores*, id est, *Iuglers*. Some called them *μυρδύππας* from *μυρ* which in this place signifieth *Cybelle*, called the great mother, and *δύππας* a begger or gatherer of almes. Others haue called them *Mitricia*: But by what name soeuer they were called, the place was so infamous by reason of their drunkennesse, and vncivility vsed at these times, that when they would point out a notorious naughty fellow, they would call him, *circulatoreum Cybelleium*, *Cybelle* her *Iugler*. Neither was it lawfull for any free borne to vndertake that office.

CAP.

CAP. 15.

*De Collegio Pontificum, & Pontifice Maximo.*

**T**His word *Pontifex*, is commonly translated a Bishop or Prelate, being called *Pontifices* in Latine, as also *Pontifices* in English from one part of their Office, which was to haue the ouersight of a great wooden bridge, called in Latine *Pons publicus*, being so great, that Carts and Waines might passe ouer it; hauing no arches to vphold it, but onely great piles, and posts of wood: \* and that which is most remarkable in it, was that it was ioyned together onely with wooden pinnes, without any iron at all. Others are of opinion, that they were termed *Pontifices quasi potestates*, from *potis* and *facio*, of which opinion *Lucane* seemeth to be, according to that, *Pontifices sacri quibus est commissa potestas*. Concerning the number of them, onely foure were appointed by *Numa*, all which then were to bee chosen out of the *Patricij*: after ward foure more were added out of the Commons. These were called *Pontifices maiores*, or chiefe Pontifices, to distinguish them from seuen other, which after ward *Sylla* added, and <sup>z</sup> called them, *Pontifices maiores*, inferiour Pontifices. The whole company of them was called the Colledge of Pontifices. This Colledge is priuiledged from all allegiance, being not bound to render account of their doings, either to the Senate or Commonalty. They were to determine all questions concerning religion, as well betweene their Priests as betweene priuate men: They had authority to punish any inferior Priests, if he either detracted or added vnto those religious Rites, which were prescribed him. They had their great Pontife, whom they called *Pontificem maximum*. These Pontifices were wont to exceed in their diet, insomuch that when the Romanes would shew the greatnes of a feast, they would say it was *Pontifica cena, id est*, according to

\* Plutarch, in

Numa.

y Fenest. de

sacerd.

¶ Rosin. antiq;

lib. 3. c. 22.

<sup>a</sup> Lib. 4. de  
magnit. Rom.  
cap. 9.

our English phrase, a feast for an Abbot. *Cæna adijcialis*, is taken for the same. <sup>a</sup> *Lipſius* in the exposition of the latter phrase taxeth the Printers negligence, and is of opinion, that it should rather be printed, *Cæna adſerialis*, vnderstanding hereby a ſolemne feast made by Magiſtrates in *aditu honoris*, at their entrance into their office, and at their day of inauguration.

## CAP. 16.

*De Epulonibus.*

<sup>b</sup> *Lazius* de.  
*Repub. Rom.*,  
3. cap.

**T**He Pontifics in old time appointed three men, whom they called <sup>b</sup> *Trinum-viros Epulonum* (from *Epulum* a feast (to haue the ouersight of the feasts made at sacrifices afterward by reason of two twice added, they were called first *Quinque-viri*, and at length *Septem-viri Epulonum*.)

## CAP. 17.

*De Titijs.*

<sup>c</sup> *Pancirollus*  
lib. rerum de-  
perditarum c.  
de mole Ha-  
driani.

**A**Nother sort of religious men there were, which liued in the Suburbs of the City, and practised soothſaying; They were called *Titij* <sup>c</sup> from the name of the birds which they obserued, which in Latine were called *Tutia*.

## CAP. 18.

*De Virginibus Vestalibus.*

**N**Eere vnto *Caſtor*'s Temple, stood the religious house or Nunnerie, dedicated to the Goddeſſe *Veſta*: where at the first were foure, after six Virgins, or Votarics elected

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elected, whose office was chiefly to keepe the sacred fire :  
 the extinction whereof prooued ominous, and did portend  
 some euill euent shortly to happen : And therefore for their  
 negligence here in as for all other small faults, they being had  
 into a darke corner, stripped naked, and a curtaine drawne  
 halfe way ouer them, the chiefe Pontife scourged them : nei-  
 ther was it lawfull to kindle the fire once put out, with any  
 other fire, but from the sun-beames ; for which purpose they  
 had certain instruments named *εξαπέια*, which were formed <sup>e Plutarch, in</sup>  
 in the manner of a *pyramis*, but hollow ; so that the beames <sup>Numa.</sup>  
 being collected within the circumference, & meeting in the  
*vertex*, did easily kindle any combustible matter put into it ;  
 but chiefly if the matter was of blacke colour ; because, as  
 Philosophy teacheth, a darke colour doth congregate, or col-  
 lect the beames, whereas whitenesse doth disperse them. A  
 second part of their office was to worke reconciliation be-  
 tweene parties offended, as appeareth by <sup>d Suet. in</sup> *Suetonius* : where <sup>lucio.</sup>  
 we may read, that by their intercession, *Sylla* was reconciled  
 to *Cesar*. They were chosen into this place betweene the  
 sixth, and the eleuenth yeare of their age : and they were to  
 remaine in this Nunnery 30. yeares space, 10. yeares to learne  
 their ceremonies and mysteries, 10. yeares to exercise them,  
 and 10. yeares to instruct others : within which space if they  
 had suffered their bodies to be defiled, they were to vndergo  
 that fearefull punishment † afore mentioned. But these 30.  
 yeares being expired, marriage was lawfull for them ; so that  
 they laid aside their scepters, their fillets and other their Sa-  
 cerdotall ornaments. Notwithstanding those which did mar-  
 rie, in the end dyed fearfull deaths : whereupon they chose  
 rather to obtaine commonly. The *Romanes* had them in  
 great honour, so that they neuer walked abroad, but with an  
 yron scepter in their hands, and whatsoeuer malefactor met  
 them (if the Nun would take her oath it was by chance) hee  
 escaped punishment. They were named *Vestals* from their  
 goddesse *Vesta*, which word (as <sup>e Munst. in sua</sup> *Munster* writeth) is deri- <sup>Cosmog. lib.</sup>  
 2. c. 9.

ued from the Hebrew *radix* signifying fire. The eldest was called *Maxima Vestalis virgo*, *id est*, the Lady Prioreſſe, or chiefe gouerneſſe.

## CAP. 19.

*De veterum ſacrificijs & ritu ſacrificandi.*

**W**Hatſoeuer was burnt or offered vp vnto the Gods vpon an altar, it had the name of a ſacrifice: & ſometimes it was called, *viſtima*, *quod vincta ad aras ſtabat*, becauſe the beaſt to be ſacrificed, ſtood bound vnto the altar. Sometimes, *Hoſtia*, from an abſolute verbe *Hoſtio*, which is to ſtrike: becauſe certaine vnder-Officers called in Latine *Popæ* (ſtanding by the altars, all their vpper part naked, and a Lawrell garland vpon their head) did *Hoſtiare viſtimam*, *id est*, ſtrike downe and kill the ſacrifice. Others are of opinion, that this name *Hoſtia*, is taken from *Hoſtis*, an enemy; according to that of *Ouid*: *Hoſtibus à domitis hoſtia nomen habet*; becauſe either before warre, to procure the Gods fauour; or after warre, in token of thankfulneſſe, they did *hoſtiam ferire*, *id est*, offer vp the ſacrifice. The ſecond difference of ſacrifices haue bin occaſioned in reſpect of the time, and ſo they haue bin called *Præcidaneæ*, or *succidaneæ*, *quæſi præcidaneæ & ſuccidaneæ*. Thoſe ſacrifices which were offered vp the day before any ſolemne ſacrifice, were called *Præcidaneæ hoſtia*, fore-ſacrifices, as we Engliſh *præcurſorem*, a forerunner: which fore-ſacrifices, if by any tokē they found vnlucky, then would they offer vp a ſecond ſacrifice which they termed *hoſtiam ſuccidaneam*: and becauſe theſe ſecond ſacrifices were to be offered onely in ſtead of the other, when they were vnlucky or faulty; hence hath *Plautus* vſed this ſpeech, *Meum tergum ſultitia tua ſubdes ſuccidaneum*? Muſt I be whipped for thy fault? The manner of ſacrificing was as followeth. Some certaine dayes before any ſacrifice was to

be



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be performed, the Priest was wont to wash his whole body, especially his hands and feet, which if he had not washed, <sup>f</sup>Vid. Erasm. the sacrifice was accounted polluted: and alluding vnto this Adag. custome, we say, a man doth *Accedere ad rem illotis manibus* or *illotis pedibus*, as often as hee enterprised any businesse, without due reuerence or preparation thereunto.

Μηδὲ ποτ' ἐξήης δέ τι λείπον ἀδούπα δινόν

Χερσίν ἀνέλοισιν. *Hesiod. ἔργα καὶ ἡμέραι.*

Moreouer, the Priest was to abstaine from his marriage-bed, as likewise from diuers kinds of meats, and at the time of his going to sacrifices, either himselfe, or some inferior Sexton going before him, with a rod or wand in his hand (called *commentaculum*) vsed this forme of words vnto the people: <sup>g</sup>Plutarch. *Hoc age*, attend this you are about: which custome seemeth Numa to haue had its originall from the *Grecians*. For before the time of sacrifice, the Grecian Priest vsed almost the like speech vnto his people: as, *τίς ἐστὶν ἰδὲ ἐστὶ*, Who is here? the people answered, *πολλοὶ καὶ ἀγαθοὶ, ἰδὲ ἐστὶ*, many men, and good. After this preparation, then did the Priest, laying his hand vpon the altar, rehearse certaine prayers <sup>h</sup>vnto the God *Ianus*, and the Goddesse *Vesta*; because the Romans were perswaded, that without their intercession, they might not haue accessse vnto the other gods. His prayer being ended, then did he lay vpon the beasts head a little corne, together with a cake made of meale and salt, called in Latine *Mola*, <sup>k</sup>*Mola erat* *far tostum*, *sale aspersum*. From this ceremony, the act of sacrificing hath beene termed *Immolatio*. After this, the soothsayer drank wine out of an earthen or wooden chalice, called in Latine *Simpulum*, or *simpurium*: It was in fashion much like oure ewers, when we powre water into the bason. This chalice was afterward carried about to all the people, that they also might *libare, id est*, lightly taste thereof, which rite hath beene called *Libatio*. Now euery one hauing tasted thereof, the rest of the wine with frankincense mixt in it, was to be powred vpon the beasts head, <sup>m</sup>*betweene* the hornes, <sup>n</sup>*one*

<sup>h</sup> Serv. Acci. lib. 1.

<sup>i</sup> Pancirol. lib. rerum deper. dit. cap. de sale

<sup>j</sup> Ammoniac. <sup>k</sup> Textor in sua officina.

<sup>l</sup> Spange (al'sa cala taurorum

<sup>m</sup> mola. Sen. Oc. dip. Act. 2. sc. 2.

<sup>n</sup> Pancirol. lib. rerum deper. dit. cap. de.

<sup>o</sup> Ammoniac. sale.

<sup>p</sup> Media inter cornua fundis.

<sup>q</sup> Virg. Aeneid.

one crying out with a loud voyce, *Macta est hostia, id est, Magia acta*, more encreased and made more pleasing vnto the Gods; as *Virgil* saith, *Macte nona virtute puer, id est*, O good child which increasest in vertue. And hence euen from this terme, we may coniecture, that the word *Macta*, which signifieth to kill, and sometimes to sacrifice, hath had its originall, because they did immediately after that voyce, *mactare hostiam*, that is, slay the sacrifice, and that was done in this manner. <sup>a</sup> First the Priest did plucke off some of the beasts haire betweene the hornes, and cast them into the fire, calling them his *prima libamina, id est*, his first offerings: Then did he, turning his face toward the east, draw a long crooked knife vpon the beasts back, commanding his vnder-Officers which I called *Popa*; (others *Cultrarij*, from their knife; *Victimarij*, from the host; and *Agones*, because they standing ready to giue the stroake, often vsed this word *Agon*, for *Agone, id est*, must I to my worke?) to kill the beast. The other people standing by, some did with vessels saue the blood, others did flea or skin the beast; others washed it. Anon, some Soothsayer or Priest, did obserue the entrals, turning & winding them with a knife, which was called *Secespita, a secando*: for he might not touch them with his hand, they conceiuing, that if the sacrifice had proued polluted, his hand would the haue perished. Now after the Soothsayer or Priest had sufficiently turned the entrals, and found no ill token therein, then did those *Popa*, or Church-butchers, cut off from euery bowell some portio, which after they had rolled in barley meale, they sent it in baskets to the Priests, & the Priests taking it vp into a broad charger or platter, called *discum*, or *lanx*, laid it vpon the altar and burnt it, and <sup>o</sup> this was properly termed *luare*, or *Reddere, id est*, to satisfie by sacrifice, or to pay the sacrifice, which was owen vnto the Gods. After that the portion laid out for the Gods, had bene burnt, then did all the people repaire vnto a common feast; where, as they were eating, they sung Hymnes, and Songs, in the praise of their Gods, & playing

<sup>n</sup> *Rosin. antiq;*  
lib. 3. c. 33.

<sup>o</sup> *Ios. Camer.*  
rar, pro *Flace*.

ing on Cymbals, they danced about the altars; intimating thereby, that there was no part of their bodie, but should be employed in the seruice of their Gods. Now vncill all their Ceremonies and Mysteries were finished, it was not lawfull for any to tast of this feast: insomuch that we since haue vsed to checke a glutton, or greedy-gut, which cannot abstaine from his meat till grace be said, in this manner; *Sacrā hand immolata deuorat.*

## CAP. 20.

*De nuptijs, & nuptiarum renunciations.*

SEeing that marriages, and burials; haue such dependance vpon the Priestts, it will not bee amisse to conclude this Section, with two Chapters, briefly opening the Ceremonies of both. Before we come vnto the solemne Ceremonies, vsed by the *Romanes* in their marriages, we wil first shew the manner of their contracts, which were called by the *Romanes*, *Sponsalia à spondendo*, because in their contracts, each did promise other to liue as man and wife. Now the manner of contracting was commonly thus: They did for the greater security, write downe the forme of the contract vpon tables of record, as appeareth by *Iuuenal. Sat. 6.*

*Si tibi legitimis pactam; iunctumq; tabellis*

*Non es aucturus*

These tables were also sealed with the signets of certaine witnesses there present, who were termed from their act of sealing, *Signatores*. Moreouer, before they would begin the Ceremonies of their contract, the man procured a Soothsayer, and the woman another, with whom first they would consult. Whence *Iuuenal, Sat. 10.*

*Veniet cum signatoribus auspex.*

The token or signe, which these Soothsayers in time of obser-  
uing accounted most fortunate, was a Crowne. *Ea enim cornu* lib. 2,

*cum*

*cum societas est, ut ex duobus sociis altera extincta, vidua altera perpetuo maneat.* The man also gaue in token of good will, a ring vnto the woman, which she was to weare vpon the next finger vnto the little of the left hand; <sup>c</sup> because vnto that finger alone, proceedeth a certain artery from the heart. The word *Nuptia*, which signifieth marriage, had its derivation on a *Nubo*, <sup>d</sup> which verbe in old time, signified to couer: the custome being, that the woman should be brought vnto her husband, with a <sup>e</sup> yellow vaile (called *Flammeum*) cast ouer her face. Againe because of the good successe that *Romulus*, and his followers, had in the violent taking away of the *Sabine* women, <sup>f</sup> they continued a custome, that the man should come & take away his wife by a seeming violence, from the lap or bosome of her mother, or her next kinne. Shee being thus takē away, her husband did disseuer & diuide the haire of her head, with the top of a speare, wherewith some Fencer formerly had beene killed. This speare was called by them *Hasta calibaris*, <sup>g</sup> & the Ceremony did betoken, that nothing should disioyne them, but such a speare, or such like violence. The next day after the marriage, a solemne feast was held, where all the Bride-mans and Bride-womans friends met to make merry; this feast they called *Repatia*. We must note, that <sup>h</sup> three manner of wayes, a woman became a mans lawfull wife: *usu*, *confarreatione*, *coemptione*. A woman became a mans lawfull wife, *Usu*, <sup>i</sup> 1. By prescription or long possession, if that shee were wedde with the consent of her ouerseers, and so did liue with the man, as with her lawfull husband, a whole yeares space, *nullo interrupto usu, id est*, <sup>i</sup> she being not absent from him three nights in the whole yeare: and some haue thought, that the counterfeited violence, in taking away the mayd from her friends, was vsed only in this kinde of marriage. A woman became a mans wife *confarreatione, id est*, by certaine solemnities vsed before a Pontific, or chiefe-Bishop, when the woman was giuen vnto the man vsing a set forme of words, ten witnesses being present, & a solemne sacrifice

<sup>c</sup> Aul. Gell.

<sup>d</sup> Rosin, ant.  
lib. 5. c. 37.

<sup>e</sup> Plin. lib. 21.  
cap. 8.

<sup>f</sup> Sig. de iur.  
Rom. 1. c. 9.

<sup>g</sup> Salmuth, in  
Pancirol. lib.  
6. rerum deper-  
dit. cap. de  
nuptiis.

<sup>h</sup> Boeth. Toti-  
cor. 2. Vid.  
Cael. Rhodig.  
lib. 28. cap. 17.

<sup>i</sup> Sig. de iure.  
Rom. 1. c. 9.

sacrifice being offered, at which the couple married should  
 eate of the same barly cake, which formerly had beene vsed  
 in the sacrifice. Which sacrifice was tearmed, *a farre, confar-*  
*reatio*, & the marriage it selfe, *Farracia*, & sometimes *sacra* & Cic. orat. pro  
 simply; the dissolution of this kinde of marriage *Diffarreatio*. Muræna.  
 A woman became a mans wife, *coemptione*, *id est*, by buying  
 & selling, when the womā did vnder a faigned forme of sale  
 buy her husband, by giuing him a peece of coyne. *Veteri Ro-*  
*manorum lege, nubentes mulieres tres ad virū asses ferre sole-*  
*bant: atq; unum quidē quem in manu tenebant, tanquam e-*  
*mendi causā marito dare.*<sup>m</sup> To these three some teach, that a  
 fourth sort of marriage was in vse among the *Romans*; name-  
 ly when a woman became a mans wife, *sortitione*, by a kind  
 of lottery; and of this they say, *Sueton* speaketh.<sup>n</sup> In that kind  
 of marriage, which was *per coemptionē*, the man was not nam-  
 ed by his proper name, nor the woman by hers; but the mā  
 was named *Caio*, & the woman *Caia*, in the memory of the  
 chaste and happy marriage of *Caia Ecceilia*, wife to *Tarquini-*  
*us Priscus*; from whence sprang a custome among them, that  
 the new married wife, when shee was brought home vnto  
 her husbands house, was to vse this proverbe. *Vbi tu Caio,*  
*ibi ego Caia*; by which words she signified, that she was now  
 owner of her husbands goods, as well as himselfe: and there-  
 fore *Erasmus* hath expounded that saying, by these words;  
*Vt tu Dominus, ita ego Domina.*<sup>o</sup> And shee that was thus mar-  
 ried, *Per coemptionem*, was properly called *Mater-familias*.  
 ¶ If any of these Ceremonies were omitted, the was this mar-  
 riage tearmed, *Nuptia innupta*, in which sense wee call our  
 enemies guists no guists; *Εξδωρ ἀδωρα δώζα*. These Cere-  
 monies being ended towards night the woman was brought  
 home to her husbands house, with five Torches; signifying  
 thereby, the need which married persons haue of five Gods,  
 or Goddeses, *id est*, *Iupiter, Inno, Venu, Suadela*, & *Diana*,  
 who oftentimes was called, *Lucina* (the reason of the name be-  
 ing rendred by *Ovid*:

l Sig. de iure,  
Rom. l. 1. c. 9.

m Sueton in  
Tiber. c. 35.

n Cic. orat.  
pro Muræna.  
Item, Fr. Sil. lib

o Cel. Rhodig.  
lib. 28. c. 17.  
p Hieron. Fe-  
rarius in Phi-  
lippi. orat.



---Dedit hac tibi nomina lucus,

*Aut quia principium tu Dea Lucis habes.*

There are of opinion, who thinke that the vie of these Torches, was not only to giue light, but to represent the element of fire: for no marriages were thought happy, which were not contracted *Sacramento ignis & aquae*: for which reason the custome likewise was, to besprinkle the new married woman with water \* yea they did both in time of their contract touch water and fire provided for that purpose. The signification of this Ceremony, some thinke to bee thus. The fire, because it is an active element, to represent the man: the water, because it is passive, to represent the woman. Others say that in the community of these two elements, was intimated the community betweene man & wife, of all other their goods and possessions, which was more fully declared in that fore-quoted proverbe, vsed by the wife, *Ubi tu Caius, ibi ego Caia*. The matter whereof these Torches were made, was a certaine tree, from which a pitchy liquor did issue: it was called *Tada*, and thence haue the Poets figuratiuely, called both the Torches, and the wedding it selfe *Tadas*. When the woman had bene thus brought to the doore, then did she annoint the posts of the doore with oile, & from which Ceremony, the wife was called *uxor quasi unxor*. This Ceremony of annointing being ended, the Bride-man did lift her ouer the threshold, and so carried her in by a seeming force, because in modesty she would not seeme to goe without violence into that place, where shee should loose her maiden head. At her carrying in, all the company did cry out with a loud voice, *Talassio, Talassio*: for which custome, *Plutarch* alleageth many occasions; this being one. Among those who rauished the daughters of the *Sabines*, there were found some of the meaner and poorer sort, carrying away one of the fairest women: which being knowne, certaine of the Cittizens would haue taken her from them, but they began to cry out, that they carried her to *Talassiu*, a man well

\* Panciroll, l.  
ters deperd.  
cap. de nuptijs

g Servius, Æn.  
lib. 4.

Plutarch, vi.  
za Pompeij,

well beloved among the *Romanes*, at which naming of *Talassius*, they suffered her to be carried away, themselves accompanying her and often crying *Talassio, Talassio*. From whence it hath been continued a custome among the *Romanes*; ever at their marriages to sing, *Talassio, Talassio* as the Greekes did, *Hymen, Hymenae*. From this custome of leading or bringing home of the new married Bride, cometh that Comickall phrase, *Ducere uxorem*, to marry a wife. She being thus brought home, received the keyes of her husbands house, whereby was intimated, that the custody of all things in the house was then committed vnto her.

The marriage bed was called, *Genialis lectus*, as wee may suppose, *quasi Genitalis*. Sometimes it was called, *Lectus aduersus*, quod hunc lectulum religiose seruari mos fuit, & in atrio collocari, ianua ex aduersum, id est, they placed this bed in the Court, directly opposite to their gate, keeping it as some religious monument or pledge of matrimony. The next day after the marriage, the Bride-woman received gifts of her friends, which Lawyers tearme, *Nuptialia dona*, \* But *Cicerone* expoundeth these *Dona nuptialia*, to be certaine tokens, which the husband sent to his wife before the betrothing. If after the marriage, any discontent had fallen out betwene the man and his wife, \* then did they both repaire to a certaine Chappell, built in the honour of a certaine Goddesse, called *Dea viri. placae, à viris plandis*, whence after they had bin a while there, they returned friends. We haue thus seene the Rites and Ceremonies, which the *Romanes* vsed in their contracts and marriages; it would not be impertinent to annex the manner of their divorcements, which vpon just causes were permitted. There \* were two manner of divorcements, the one between parties only contracted; the second between parties married. The first was properly called *Repudium*, in which the party suing for divorcement, vsed this forme of words, *Condictione tua non utar*. The second was called *Divortium*, wherein the party suing for it, vsed these words. *Res*

(Alex. Gen.  
dier. l. 2. c. 5.  
Lipf. Elect.  
lib. 1. c. 17.

\* Vid. Fr. Silv.  
pro Cluentio.

\* Sig. de iure  
Rom. l. 1. c. 6.

\* Rosin. ant.  
l. 5. cap. 38.

*in a tibi habeto: vel res tuas tibi agito.* Both these kinds were rearm'd, *Matrimonij renunciations*, renouncing or refusal of marriage: where we must note, that instead of this verbe *renunciare*, divers good Authors doe vse this phrase *Mittere* or *Remittere nuncium*, as *C. Caesar Pompeia nuncium remisit*, *J. Ep. Fam. l. 5.* *C. Caesar* hath divorced *Popeia*. And alluding hereunto *Cicero* saith, *virtute nuncium remisit, id est*, he hath cast of all goodnesse, he hath even divorced vertue. Secondly, we must note, that this verbe *Renuncio*, doth not only signify to renounce, or to refuse, but many times in *Tully*, it signifieth to declare or pronounce a Magistrate elected; as *Renunciare Cōsulem, Pratorem, &c.* The reason why in matrimoniall contracts, it signified to renounce, or refuse, was because in these divorces, they did oftentimes send to their wiues *per nuncium* by a messenger, some bill or scrole of paper, containing the causes of the divorce. Moreover, wee are to obserue, that in these divorces, the ceremonies were quite contrary to those in marriages, the just causes of divorce being foresignified to the Censors, the marriage tables were broken, the dowry restored, the keyes of the house taken from the woman, & she turned out of doores: all which ceremonies are at large treated of by *Thom. Dempster. lib. 5. Antiq. Rom. cap. 38.*

## CAP. 21.

*Quo apparatu, quibusq; ceremonijs apud veteres defuncta corpora igni tradebantur.*

THE *Romanes* in ancient time, When they perceiued a body dying, had such a custome, that the next of the kinne should receiue the last gaspe of breath from the sicke body, into his mouth, as it were by the way of kissing him: (to shew thereby how loath and vnwilling they were to be deprived of their friends) and likewise should close the eyes of the party being deceased. Whence *Anna* said vnto her

her sister *Dido* now dying.

----- *Extremum signis super halitus errat.*

*Ore legam* -----

(Virg. *Æn.* 4.)

And *Penelope* wishing that her sonne *Telemachus* might outlive her selfe, and his father writeth to her husband in this manner,

*Ille maos oculos comprimat, ille tuos.*

After the body had thus deceased, they kept it seven daies unburied, washing the corpse every day with hot water, and sometimes anointing it with oile, hoping that if the body were only in a slumber, & not quite dead, it might by these hot causes be revived.

*Per calidos latices & aliena undantia flammis*

*Expediunt, corpusq; lavant frigentis & unguunt.*

In these seven daies space, all the dead mens friends met together now and then, making a great outcry, or shout with their voices, hoping that if the dead body had beene onely in a sound or sleepe, he might thereby be awaked. This action was termed *conclamaris*, whence when wee have done the best we can in a matter, and cannot effect it, we say proverbially *conclamatū est*, for this third cōclamarion or generall outcry (which was alway vpon the seventh day after the decease) was even the last refuge, at which if the body did not revive, then was it carried to buriall being invested with such a gowne, as the parties place or office formerly had required: Those which had the dressing, chesting or embalming of the dead corps, were called *Pollinctores*: After they had thus embalmed the corps, they placed it in a bed fast by the gate of the dead mans house, with his face & heeles outward toward the street, according to that of *Persius*:

----- *Tandemq; beatulus alto*

*Compositus lecto, crassiq; lutatus amomis*

*In portam rigidos calces extendit.* -----

Herewith accordeth *Homer* speaking of *Patroclus* his funeral.

*Οἱ μὲν ἱερὰ δαίμονος διδάσαντες ὅζει χαλκῷ*

*Κεῖται φέροντες ἐν ποταμῶντος. --- id est,*

*Qui mihi in tabernaculo confossus acuto are,  
Iacet ad vestibulum conversus.*

1 Alex. Gen.  
dier. l. 3. c. 7.

This ceremony was properly called *corporis collocatio*: and fast by this bed, neere the gate, also, was erected an altar, called in Latine, *Acerra*, vpon which his friends did every day offer incense vntill the buriall. The gate in the outside was garnished with cypresse branches, if the dead man were of any wealth or note: for the poorer sort, by reason of the scarcity of the tree, could vse no such testimony of their mourning:

u Lucanus.

*Et non plebeios luctum testata cupressus.*

x Alex. Gen.  
dier. l. 5. c. 26.

In these seaven daies space, certaine men were appointed to provide all things in readines for the funerall; which things were commonly sold in the Temple of *Libitina*, from whence those providers were termed *Libitinarij*; though sometimes this word *Libitinarium* doth signify as much as *capularis*, an old decrepit man, ready for the graue, vpon the eight day a certain crier in māner of a bell-man, went about the town to call the people to the solemnization of the funerall, in this forme of words: *Exequias* ¶ *L. Tito L. Filio quibus est commodum ires. Iam tempus est. Ollus ex adibus effertur.* After the people had assembled theselues together, the bed being couered with purple, or other rich coverings; the last conelamation being ended, a trumpeter went before all the company, certaine poore women called *Præfice*, following after and singing songs in the praise of the party deceased, where we must note, that none but the better sort had a trumpet sounded before them; others had only a pipe: *Senatoriibus & patricijs tubâ; minoribus & plebeijs tibiâ canebant siticines*; this word *Siticines*, signifying either a trumpeter or piper, because they did both *ad sitos, id est mortuos canere*. Againe, except it were one of the Senators, or chiefe cittizens, he was not carried out vpō a bed, but in a coffin vpō a Beere. Those that carried this bed, were the next of the kin, so that it fell often among the Senators themselues to beare the corps

y Rosin. ant.  
lib. 5.

z Alex. Gen.  
dier. lib. 3.



corps, and because the poorer sort were not able to vndergoe the charges of such solemnities, therēvpo were they buried commonly in the duske of the euening; and hence *à vesperis in tempore*, those that carried the corps were termed *vestiferae*, or *vestillones*. In the buriall of a Senator, or chiefe officer, certaine waxen images, of all his predecessors were carried before him vpon long poles or speares, together with all the ensignes of honour, which he deserued in his life time. Moreover, if any seruants had beene manumized by him, they accompanied the mourners lamenting for their masters death. After the corps followed the dead mans children, the next of the kinne, & other of his friends *atrati*, *id est*, in mourning apparell. From which act of following the corps, namely *à sequenda*, these funerall Rites haue beene termed, *Exequiae*, as *Donat* hath obserued vpon that of *Terence*. *Funus nunc procedit, nos sequimur*. Which Rites, because they were performed as debts due vnto the party deceased hence were they also called, *Iusta*. *Eò dicuntur Iusta, quod in eis mortuis fari etitari debet à vivis*, *Polid, de invent. lib. 6. c. 9*. The corps being thus brought vnto the great Oratory, called the *Rostra*, the next of the kinne *laudabat defunctum pro rostris*, *id est*, made a funerall Oration in the commendation principally of the party deceased, but touching the worthy acts also of those his predecessors, whose images were there present. The Oratio being ended, the corps was in old time carried home againe, in manner as it was brought forth.

*Sedibus hunc referente suis & conde sepulchro.*

But afterward by the law of the twelue Tables, it was provided that no man besides the Emperour, & Vestall Nunnes; should be buried within the city; though some vpon especiall fauour haue obtained it. The manner of their buriall was not by interring the corps, as in former times it had beene, but burning them in a fire (<sup>b</sup> the reason thereof being to prevent the cruelty of their enemies, who in a mercilesse revēge would at their conquests digge vp the buried bodies, ma-

<sup>a</sup> Suet. C. Iulii  
us Cæsar. c. 6.

<sup>b</sup> Salmuth in  
Pancir. lib. re-  
rum deperd.  
de exequiis.

king

king even the dead also subiects of their implacable wrath) This fire before the burning, was properly called, *Pira*; in the time that it burned, it was called, *Rogus*, *quod tunc temporis Rogari solerēt manes*; after the burning, thē was it called *Bustum quasi beneustum*. This *Pira* was alwaies built in forme of a Tabernacle, as it is aboute more at large to be seene: whither after the dead man had bene brought, his friends were wont to cut off one of his fingers, which they would afterward bury, with a second solemnity. The charges at funerals growing by this meanes to be doubled, the law of the 12 tables provided in these words, *Homini mortuo ossa ne legito, &c.* that no mans finger should be cut off, except he dyed either in the warre, or in a strange Country. Where wee must oblerue, that *lego* in this place doth signify as much as *adimo* or *aufero*, in which sense we call him *sacroslegum, qui legit, id est, qui adimit & aufert sacra*. After the dead body had bene laid vpon the *Pyra*, thē were his eyes opened againe to shew him heauen if it were possible; <sup>d</sup> and withall an halfe penny was put in his mouth, they superstitiously conceiting, that that halfe-penny was *navisū Charontū*, the pay of *Charon*, the supposed ferry man of hell, who was to carry mens soules in his boat over the *Stygian* lake after their decease. About this *Pira* were first many boughes of Cypresse trees to hinder the evill sent of the corps to be burned. The dead body being thus laid vpon the *Pira*, the next of the kinne turning his face averse from the *Pyra*, did kindle the fire with a torch: After this, commonly certaine Fencers hired for this purpose did combat each with other, till one of thē was killed; they were tearmed *bustumarii*, from *bustum*. The blood of those that were slaine, serued instead of sacrifice to the infernall Gods, which kinde of sacrifice they tearmed, *Inferia*. *Inferia sunt sacra morinorum, quae inferis solvuntur*. Anon after the body had bene burned, his neere friends did gather vp the ashes and bones, which being washed with milke and wine, were put into certaine pitchers called *urna*: whence this word

<sup>e</sup> Servius Aen.  
neid. 5.

<sup>a</sup> Sup. pag. 30.

<sup>d</sup> Alex. Gen.  
dier. lib. 3.

<sup>e</sup> Servius.

word *urna*, is often vsed by the Poets, to signifie a graue or sepulcher, as

---- *Una requiescit in urnâ: Ouid. Met. lib. 4.*

Though properly *sepulchrum* was in old time, a vault or arched rooſe, round about the walles whereof were placed certaine coffines called *loculi*, within which thoſe former *urna* were laid vp and kept, namely, two or three in each coſfine. Now theſe funerall ſolemnities were commonly towards night, inſomuch that they vsed Torch; theſe Torch; they properly called, & *funalia à funibus cerâ circumdati*, unde & *funus dicitur*.<sup>h</sup> Others are of opinion, that *funus* is ſo ſaid from the Greeke word *phos* ſignifying death or ſlaughter. The bones of the buried body being thus gathered vp, then did the Prieſt beſprinkle the company with cleane water thrice, and the eldeſt of the mourning women called *præfica*, with a loud voice pronounced this word *licet*, thereby diſmiſſing the company, (the word ſignifying as much as *Ire licet*;) Then preſently did the company depart, taking their farewell of the dead body in this forme of words: *Vale, Vale, vale: noſte ordine quo natura permiferit ſequemur*. If any of theſe ceremonies had been omitted then was it termed *ſepultura inſepulta*, in the ſame ſenſe as *nuptia*, formerly were termed *innuptia*. The old & aged men were invited after the buriall, to a feaſt, or funerall banquet called, *ſilicernium*<sup>k</sup> *quæſt* *ſilicanum*, id eſt, *cœna ſupra ſilicem poſita*, their cuſtome being to eat that feaſt vpon an altar of ſtone, and becauſe this feaſt was onely eaten at funerals, & by the elder ſort,<sup>l</sup> hence figuratiuely this word *ſilicernium*, doth ſometimes ſignifie an old cripple ready for the graue: The poorer people inſteed of a feaſt, receiued a dole or diſtribution of raw fleſh: this dole was termed *Viſceratio*. Moreouer there was a potation, or drinking of wine after the buriall called *Murrata*, or *Murrhina potio*, which afterwards the law of the 12. Tables for the auoiding of expences did prohibite: as likewiſe for the moderating of griefe in the mourners, it did prohibite the vſe

f Roſin, ant. lib. 5.

g Seruius in Æneid, lib. 1.

b Hub in Cic. ep. fam. lib. 4.

i Hieron, Fe- rarius in Cic. orat. Philip.

k Seruius in Æneid, lib. 5.

l Anteliſ. in Ter. Adelph. Act. 4.

82 Lib. 2. Sect. 3. Rites and Customes.

as Alex. Gen.  
dier. l. 3. c. 7.

of this word *Lessum*, [ *Nevelessum funeris ergo habento* ] for that word was often ingeminated in their mourning as a dolefull eiulation, or note of inward sorrow. This sorrowing or mourning, was in some cases vtterly prohibited, in others limited; <sup>m</sup>Namely, an infant dying before he was three yeares old, should not be mourned for at all; because he had scarcely yet entred into his life. Elder persons were to be mourned for so many dayes, as they were yeares old. Wiues were permitted to mourne for their husbands (*Alexander* addeth also children for their fathers) ten months, if they would: within which time, the widdow could not marry another husband without infamy and discredit. *Polyd. de inuent. l. 6. cap. 9.* Here we may with *Revardus* obserue a distinction betweene *Lugere* and *Elugere*, *Lugere* signified no more than to mourne some part of the time prescribed; *Elugere* to mourne the whole and full time.

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L I B.

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## LIB. 2. Sect. 3.

*Of the Romane Games.*

## CAP. 1.

*De ludis Megalensibus.*

He playes vsually exhibited by the *Romanes*, may be diuided into three sorts: some were *Ludi sacri*, others *Honorarij*, others *Ludicri*. Those were termed *Sacri*, which were instituted immediately to the honour of the Gods: Such were these that follow in their seuerall Chapters.

*Megalenses ludij*, they are called simply *Megalesia*, from the Greeke word μέγας, signifying *Magnus*, because they were performed in the honour of *Cybele*, called *Magna mater*; of which I haue spoken formerly, and there also discovered the manner of this feast. Onely here take notice of that which is not mentioned there, namely, that these Games beganne, à pridie Nonas Aprilis, id est, on the fourth of *Aprill*, and continued six dayes after: it appeareth by diuers Authors, but more especially by *Ouid*, who could not easily be corrupted, *Ouid. Fast. lib. 4.* He hauing spoken of the rising of the *Pleiades*, which is on the second of *Aprill*, addeth.



*Ter sine perpetuo caelum versetur in axe,  
Ter iungat Titan, terq; resoluat equos,  
Protinus inflexo Bercynthia tibia cornu  
Flabit, & Idaea festa parentis erunt.*

<sup>a</sup> Liu. lib. 29.

This I note, that the error crept into <sup>a</sup>*Livy*, may be obserued, who treating of the matter in hand, saith: *In adem victoria, quae est in Palatio, pertulere Deam pridie Idus Aprilis, isq; dies festus fuit: populus frequens dona Dea in Palatium tulit, Lecti- sternium, & Ludi fuere, Megalesia appellata.* That is, that these playes were celebrated vpon the twelfth of *April*. But in the iudgement of many expositors, we are to read *Pridie Nonas*, for *Pridie Idus*. Moreouer, seruants might not be spectators here, & because the *Prators* did frequent these sports, in their purple and best robes, <sup>b</sup> hence grew that prouerbe, *Purpura Megalensis*. To the younger sort at this time, liberty was granted, to counterfeit all mens gestures and speeches, without distinction of degree or age. <sup>c</sup> They were sometimes termed *Ludi scenici*, though properly, *Ludi scenici*, signified stage-playes, and were performed in the honor of *Bacchus*.

<sup>b</sup> Ant. Const.  
in Ouid, Fast.  
lib. 4.

<sup>c</sup> Iu. Scalig.  
Poet. l. i. c. 29.

## CAP. 2.

### *Ludi Cereales.*

**T**Hat these Games were performed in the honour of *Ceres*, is by none doubted. In them was represented the *Roman* Matrons, *Ceres* her lamentation for her daughter *Proserpina*, taken away by *Pluto*; the *Roman* men beheld these playes in white gownes: the woman performed the sacred and holy Rites in a white garment also. Among whom it was obserued, that then they thought their seruice gratefull to the Gods, when it was performed by those that were ioyfull, and free from all funerall pollutions. At this time there was a solemn going in procession, and carrying about their Gods in the *Cirque*, this solemnity was pro-

properly called *Pompa*.

*Circus erat pompa celebr, numeroque Deorum,*

*Primaque ventosis palma petetur equis,*

*Hic Cereris ludi, &c. Ovid. Fast. lib. 4.*

The manner of this solemne shew, which as I noted, was properly called *Pompa*, is described thus by its particulars; That there was, *Simulachrorum series, imaginum agmen, curru*, d Ter. resp. 6. cap. 7. *thenſa, armamaxa sedes, corona, exuvia, id est.* First in this solemne procession, were carried about the Images of the Gods. Secondly, the images of well deserving men. Thirdly Chariots led vp and downe for greater state and magnificence; vnto this *Virgil* alludeth:

— *Hic illius arma*

*Hic curruſ fuit.* —

Fourthly, Pageants, so I interpret *thenſa*, which were so called, *quasi tenſa, a tendendo*, as *Asconius* noteth, because they were carried vp and downe, by the help of certaine ropes, which to touch they counted a point of religion. Fifthly, horse-litters, for that these *armamaxa*, were not Chariots, or wagons, appeareth by him, *Qui ex curru in armamaxam deponebatur*. They seeme to haue beene of a compounded forme, in part like chariots, called *ἀρματα*, in part like waines, called *ἀμαξαι*, and thence *ἀρμαμαξα* hath its appellation, *ἀρμαμαξα*, inquit, *Phavorinus*, ἢ πρὸς ἀρματα καὶ δὲ πρὸς ἀμαξαι ἀκρίβειαν ἀμαξα, δὲ ὡς ῥάμμα καὶ ἀμαξα, ἢ ἀρμαμαξα τὴν ὅσῃ καὶ ἀρματα τοῖς ἀρμασιν. In which words, besides the etymologie expressed, the vse thereof is declared to be for the carriage of men. That as the chariots went emptie for greater magnificence, and as in their pageants were carried, the *Simulachra Deorum*, according to that, & *Thenſa Deorum vehiculum*: so in these horse-litters were carried men; or rather that same *agmen imaginum*, which was the second particular. Sixthly, chaires of State. Seventhly, crownes. Lastly, spoiles taken from their enemies. These three last I take to haue beene vsed chiefly & principally in the *Romane* supplications, or publique thank-

*e Vid. Franc. lun. annor. in Tert. de Spect. It. de censu vi. Turneb. 29. 27 Herodot. l. 7.*

*g Alex. ab Alex. l. 2. c. 30.*

giuings, for any great victorie; the custome being in such shewes, when they came to such and such remarkable places in the cirque, to pitch a certain chaire, adorned with crowns of victorie, & spoyle taken from the enemy, reputing it not the least office, <sup>b</sup> thus to honour their Emperour, though absent, with the prerogative of such a chaire. Now in the preparation to this particular shew, we read, that an egge was especially provided. It is obserued by <sup>i</sup> many out of *Macrobius*, whose words are; *Ouumq; in Cerealis Pompea apparatum numerabatur primum*. The obseruation is generall, but the reason thereof, *Inter arcana Cereris*, quite suppressed, & by none that euer I could meet with, yet explained; if my coniecture may satisfie in a matter so obscure, conceiue it thus. These pompous shewes were various, & in the honour of diuers Gods, & accordingly the *Romans* made choice in euery such solemnity, of some one principall thing in their shew, vnto which the glory of the present solemnity should in more especiall manner belong. Thus in the *Pompa circensis*, which was celebrated in the honour of the *Sun*, great horses were led vp & downe for greater state. <sup>1</sup> *Quia equis, & equestribus exercita mentis, sol praesse credebatur superstitione antiquissima*. Hence the Cirque place it selfe was called *inmensissima*. After this same manner in this *Pompa Cerealis*, (which was also sometimes called *Circensis*, from the place where it was exhibited) an egge was chiefly and principally provided: for seeing that vnder the name of *Ceres*, this solemnity was performed to the *Earth*, how could the *Earth* be more honoured, then by bearing about the hieroglyphick of the whole world? As if they did intimate thereby, that euen heauen it selfe was beholding to the *Earth*.

--- *Pecori frondes alimenta que mitia fruges*

*Humano generi, vobis quoq; thura ministro. Onid Met. l. 2.*

And such an hieroglyphick <sup>m</sup> *Caelius Rodiginus* proueth an egge to be, partly from its circular & globe-like forme; partly from the matter whereof it consisteth; the hard shel, resembling

<sup>b</sup> Vid. Isaac. Calaub. in Sueton. Iul. c. 76.

<sup>i</sup> Hosp. de orig.

fest. Rosin. l. 5.

c. 14. Alex. ab

Alex. l. 6. c. 19.

<sup>k</sup> Solis honore

novi grati

specacula cir-

ci Antiqui san-

xere patres.

Corrip. Afric.

l. 1. c. 17. vid.

Dempster. l.

Franc. Iun. an

nor. in Ter. de

spec. c. 8.

bling the solid earth; the more spirituous part thereof, the  
 ayre; the moist and liquid part, the water; the yolke, the e-  
 lement of fire: yea he noteth also, as there is, *in mundo* so like-  
 wise, *in ovo, vis vitalis*, a kinde of quickening, and enlive-  
 ning power in both. Otherwise if this opinion giue not  
 content, we may interpret the carrying about of this egge,  
 to be in the honour of *Castor* and *Pollux*: for as there were  
 markes, or goales in the Cirque, some in the forme of *Dol-*  
*phins*, in the honour of *Neptune*: so were there others *ovoid* Dio, lib. 49.  
*ovoid*, markes of a long roundnesse, in forme of an  
 egge, in memory of *Castor* and *Pollux*, which were *ovo edi-*  
*ti*; according to that of *Horace*: Tertull. de  
spect. cap. 8.

*Ovo prognatus eodem. Hor. ferm. 2. sat. 1.*

For the same reason happily it was, that an egge was at this  
 time carried vp and downe, as the chiefe & principall ensigne.

## CAP. 3.

*Ludi Florales.*

THESE Games or sports, were instituted in the honour of  
 the Goddesse *Flora*, that she being therewith appeased,  
 the earth might bring forth flowers, and fruits in great a-  
 boundance. Of the Goddesse it hath beene spoken before.  
 The time of the yeare when these sports were obserued, was  
 vpon the foure last dayes of *Aprill*, and the first of *May*, p Alex. ab A.  
lex. lib. 6. c. 8.  
 whence is that of *Ouid. Fast. 5.*

*Incipis Aprili, transis in tempora Maij:*

*Alter refugiens, cum venit alter habet.*

The manner thereof was, that shamelesse strumpets did then  
 run vp and downe the streets naked, vsing many lasciuious  
 & obscene gestures, and speeches, they were called together  
 by the sound of a trumper, vnto which *Iuuenal* alludeth.

---- *Dignissima prorsus*

*Floralis matrona ruba.*

More-

Moreouer, whereas in other games, Boares, Lions, & Beares, were publicly baited, to recreate the spectators: here only Goates and Hares, and such milder beasts were hunted, because the Goddess *Flora*, had not the custody of woods, and Forrests, where the wilde beasts, ranged; but Gardens, and Medowes. At this time also, Elephants, were brought forth into the publique view of the people, which were taught to walke on ropes, and that there is an aptnesse in Elephants to goe forward and backward on ropes, *Pliny* testifieth.

q Hosp. de orig. Fest.

r Suet. in Gal.

f Plin. l. 8. c. 3.

## CAP. 4.

*Ludi Martiales.*

OF these sports there is not much spoken: they were observed vpon the first of *August*, because on that day the Temple of *Mars* was consecrated. They were first instituted by *Numa Pompilius*.

t Dio, lib. 60. v

u Tert. de spe. cap. 5.

## CAP. 5.

*Ludi Apollinares.*

THERE was an ancient Poet, called *Martius*. † out of whose writing, as likewise out of the *Sybelline* Oracles, the *Romans* were admonished to dedicate certaine games to *Apollo*. At the first celebration of them, \* it is reported, that a suddaine and v unexpected inuasion of enemies, enforced the *Roman* people to forsake their sports, and to betake themselves to weapons: in which time of their distraction, a cloud of darts and arrowes was seene to fall vpon their enemies, so that they presently returned conquerours vnto their sports, where † at their returne they found one *C. Pomponius*, an old man dancing to a minstrell, and being very ioyfull, that their sports had beene continued with-

† Liu lib. 5. dec. 3.

x Macrob. l. 1. Sat. c. 17.

y Suet. Pomp. Fest. vid. Hof. de orig.



without interruption they cried forth, *Salvatus est, saltat senex*. Which speech afterward became proverbiall, and is fitly vsed, when a suddaine evill, is seconded with a good event, beyond hope or expectation.

## CAP. 6.

*De ludis Romanis, qui & magni, & Consuales, & Circenses dicuntur.*

**T**Hese solemnities are sometimes called *Romani ludi*, because of their antiquity amongst the *Romans*, being first instituted by *Romulus*: sometimes *Magniludi*, either because of the great charge & expence of money at that time, or because they were performed in the honour of their great God <sup>a</sup> *Neptune*, called also *Consus*, because hee <sup>a</sup> *Tertul de spect. cap. 5.* was reputed the God of secret counsels, whence the solemnities themselves are sometimes called *Consualia*: whereas many of the *Roman* temples, for certaine mysterious significations, had their peculiar manner of building. <sup>b</sup> *Servius* noteth, that the temple in the great Cirque, dedicated to *Consus*, was couered, to signify that counsels must be secreted, and concealed. Likewise for the same reason, <sup>c</sup> his altar was made vnder the earth, not appearing in publike view, saue only in the time of these solenities exhibited. The chiefe ceremonies vsed at this time, consisted in the adorning of their horses and asses, with garlands, wherein they thought that *Neptune* was honoured, who was the first author and inventor of horse-riding: hence *Neptune* himselfe is called <sup>d</sup> *ἵππος*. <sup>d</sup> *Vid. Said.* This festivall was first instituted by *Evander*, in the honour of *Neptune*, vnder the name of *ἵππος*, & <sup>e</sup> thence the feast was called *ἵππιαινα*. <sup>e</sup> *Dion. Hal. lib. 1.* Afterward it was ruined by *Romulus*, in the honour of *Neptune* likewise, but vnder the name of *Consus*, because *Romulus* needed a God of counsell to assist him, in that designement of his, for the violent taking away of so many

many *Sabine* women, as were taken away at the first celebration of these games. The reason of *Romulus* his institution of them, being no other, but that vpon the same of these new sports, many *Sabine* women flocking thither to be spectators, his proiect might be the sooner effected. These and the cirque. shewes, so often mentioned in ancient authors, at first were all one, as appeareth by that of *Valerius*. *Ad id tempus circensis spectaculo contenta erat civitas nostra, quod prius Romulus raptis virginibus Sabinis consualium nomine celebravit.* Touching these cirque-shewes, some are of opinion that they were performed in the honour of *Ceres*, this *Iulius Scaliger* <sup>b</sup> disliketh, & he is of opinion, they were celebrated in the honour of *Neptune*; others are of opinion they were instituted in the honour of the *Sun*. All opinions may be reconciled, if we vnderstand first, those authors who ascribe these cirque-shewes to *Ceres*, to speake of the *Cereales ludi*, which we read sometimes to be called *Circenses*, because they were exhibited in the *Cirque*. Secondly, if we distinguish the *Pompa Circensis*, from the *Circenses ludi*, and from the *Cereales ludi*. The *Cereales ludi*, were instituted in the honour of *Ceres*; the *Circenses ludi*, in the honour of *Neptune*; the *Circensis Pompa*, in the honour of the *Sun*. And furthermore for the full vnderstanding hereof, we must know that the horses brought into the *Cirque* at this time, were of two sorts: some were only *numerosi*, such as were led vp & downe for shew & state; I vnderstand *Alex. ab Alex.* to speake of these horses, when he saith <sup>b</sup> horses were consecrated to the sunne; nay I vnderstand those horses mentioned *2. Kings. 23.* to haue bin of the like superstitious invention; where it is said; that *Iosiah* did put downe the horses giuen to the *Sun*, & the *chariots of the Sun*. That practise, I say, hath neer affinity with this of the *Romans*; but I think it to haue bin originally derived to the people of *Iudah*, from the *Persians*; who also accounted holy to the *Sun*, & the *Persian* king when he would shew himselfe in great state, caused an exceeding great horse to

/ Val. Max. lib.  
cap. 4.

g Iul. Scal. lib.  
poet. cap. 32.

b Alex. ab A.  
lex. lib 3. c. 12.

i Cael. Rhod.  
antiq. l. 8. c. 2.

to be led vp and downe, which was called *Equus solis*. Other horses were for exercise and race, we may call them *Aggredis*, the institution of these I suppose to haue bene in the honor of *Neptune*. The prizes of masteries exercised in time of this cirque-shew were many Fencing, and that vntill one of the combatants were killed in the place; fighting with beasts; wrestling; running of races on foote; jumping and leaping; horse-racing; sea-skirmishes exhibited in some riuier; coach-races; and fighting at worle bats. Howsoeuer the nature and manner of these games; are in some measure vnderstood by the very names, yet a more large discourse concerning the twolast, will be very behoouefull, for the more full vnderstanding of the *Roman* history. These coach-races, when this maner of race was first instituted, were divided into two companies, which they tearmed *Factiones albas*, & *russeas*: distinguishing each faction or company, by the different colour of their coats. Afterward they were divided into foure companies, distinguished alwaies by their colours: whence came that distinction; *Factiones Prasina, Veneta, Russata, Albata*; which colours may thus be englished. The first signifieth a deepe greene; the next a kind of ruslet inclining to red; the thid a Venice blew, or Turkey colour; & the last a perfect white. Of these <sup>1</sup> *Tertullian* speaketh as followeth: *Aurigis coloribus idololatriam vestierunt, & ab initio duo sol fuerunt, albus & russus. Albus hyemi ob nives candidus: russus aestati ob solis ruborem vti erant: sed postea tam voluptate, quam superstitione prolecta; russum, alij Marti, alij album Zephyrus consueverunt, Prasimum vero terra matri, vel veno: Venetum caelo & mari, vel autumnno.* As the Emperour, so the people; sometimes favoured one faction or company, sometimes another, & accordingly as they favoured the company, they would lay wagers on their side, which wagers they tearmed by a peculiar name *Sponsiones*, this <sup>m</sup> *Turnebus* interpreteth *Tertullian*, where he saith that the people flockt to these races, sometimes for one reason, sometimes for ano-

4 Henr. Salm.  
in Pancir. cap.  
de Cir. Max.

1 Tertul. de  
spect. cap. 9.

m Turneb. ad.  
lib. 8. cap. 4.

• Tertul. de  
spect. cap. 16.  
• Suet. in Do-  
mitian. cap. 7.

ther, but sometimes *sponsionibus concitatus, id est*, stirred vp  
with a desire of abetting, or laying wagers. To these four  
• Domitian in his time added two other companies, the one  
wearing cloath of gold, the other of purple: but these latter  
remained not long in vse. Their fighting at wholebats they  
rearmed *bellare cestu*. The manner of the fight conceaued thus  
the combatants had in each hand a strap of leather, with  
which each stroke at the other (for we must know that this  
kinde of fight succeeded fisticuffes, and because in fisticuffes  
the party striking, did by the blow as well hurt his owne fist,  
as he did him that was stroken, herevpon they invented this  
other kinde of fight with leatherne (switches) these leatherne  
• Iul. Scaliger. switches they called *Cestus*, from the *P*. Greeke *καστός*, signify-  
lib. poet. c. 22. ing a belt or girdle; to make the fight more dangerous, they  
did in aftertimes tye peeces of ledde, or iron at the end of  
these leatherne straps, so that they did with the force of the  
stroke, often dash out one anothers braines, and vnlesse by  
the waight of the lead or iron, the strap might chance to fly  
out of their hands, they caused each strap to bee tied fast to  
their armes, and shoulders: neither was this without reason,  
for those iron or lead peeces could not be but very weigh-  
ty, being made in the bignesse, and a forme of Rams hornes.  
• Aldus Ma- Lastly these Cirque. shewes, had their appellation *Circenses*,  
nuc. lib. 2. de either from the great Cirque, or shew place, called *Circus*  
quaf. per epi- stolam epist. 8. either from the great Cirque, or shew place, called *Circus*  
vid. Rosin. an- *Max*: where the games were exhibited; or from the swords  
tiq. lib. 5. c. 5. wherewith the plaiers were environed, as one would say  
*Circa enses*. They much resembled those Grecian games cal-  
led *certamina Olympica*, where the runners With Chariots,  
were hemmed in on the one side with the running river, &  
on the other with swords pitched point-wise, that they  
should hold the race on directly, and not swarue aside with-  
out danger. • Some haue thought them to bee the same with  
• Rosin. antiq. *ludi Gymnici*, so called from *γυμνός*, naked; because that those  
lib. 5. c. 5. which did performe those kindes of exercises, did either put  
off all, or the greatest part of their cloaths, to the intent that  
they

they might the more readily and nimble performe their games; for which purpose they did also annoint their bodies with oile; whence we say, when a man hath lost his cost and labour, *Operam & oleum perdidit*; *oleum* in this place signifying cost and charges, so that the proverbe was the same with that of the Coblers crow, *Opera & impensa perijt*.

## CAP. 7.

*Ludi Capitolini, & Agones Capitolini.*

**T**He first institution of these games *Livy* sheweth, Liv. Dec. 1. lib. 5. where likewise he intimateth the reason, why they were called *Capitolini*, to have beene in the honour of *Iupiter Capitolinus*, because he preserved the *Capitol*, whē it was assaulted by the *Gauls*: wee must distinguish these games from those other shewes called *Agones Capitolini*, instituted by *Domitian*: For those *Ludi* were exhibited yearly, these *Agones* every fift yeare; in those was celebrated the deliverance of the *Capitol*; In these Rhetoricians, & Poets, and men of other profession contended for the victory, & hence *Rosinus* thinketh the *Poets Laureat* to have taken their beginning. He is likewise of opinion, that *Iuvenal* al- Sueton. in Domit. cap. 4. lib. 5. c. 18. luderh vnto these solemnities.

--- Sed cum fregit subsellia versu

*Esurit, intactam Paridi nisi vendit Agaven.* Sat. 7.

Although the allusion may be granted, yet herein I thinke *Rosinus*, though otherwise learned to have beene mistaken, in interpreting *Fregit subsellia*, by *Non stetit*; *Excidit*, or *Non placuit*; as if the Poet of whom *Iuvenal* speaketh, had bin conquered at this time. In my opinion neither will the purpose of *Iuvenal*, nor that phrase of speech admit that construction. Not the purpose of *Iuvenal*, for the scope & drift of that Satyre, is to shew, that bee the Poet never so pleasing, or let him giue full satisfaction to the people, yet he shall re-



ceauē no benefit thereby, but a vaine and empty applause, so that he shall be compelled to sell those very Poems, which are receiued with so generall approbation, to buy victuals, and prevent hunger. Neither doth that interpretation agree with that phrase, for *Frangere subsellia*, doth rather on the contrary, signify the vehement acclamation giuen by the people in approbation of the Poem, it being a poetical elegance, to expresse the vehemency and greatnesse of the applause. \* *Sidonius Apollinaris* vieth the selfe same phrase. *Hunc olimperantem & rhetorica sedilia plausibili oratione frangentem, socer eloquens vitro in familiā patriciam ascevit.* Neither is that of *Virgil* unlike.

\* *Sidon.* Ap. l.  
5. epist. ad Sa.  
pand,

*Et cantu quarela rumpunt arbusta cicadae.*

x *Polyb.* in  
h. d. 15.

Yea the *Gracians* vsed the same manner of speech, \* *κατὰ πρῶτον τοῦ πρὸς τὸν Κέρκυ, καὶ τὸν Κερκυῖν.* So that hereby I thinke the Poet vnderstandeth, that *Grande sophia*, so often mentioned by *Martial*, it being a vsuall custome amongst the *Romans*, to signify their approbation of their Oratour or Poet, by the lowd acclamation of *οὐραῖς*, or *ὀρῶς*. Vnto which *Horace* alludeth *de arte poet.*

--- *clamabit enim pulchrè, benè, rectè.*

But to returne whence we haue digressed, these latter solemnities were of such note, that whereas the *Romans* formerly made their computations of their greater yeare, called *Annus magnus*, by their *lustra* now they made it by these *Agones quinquennales* instituted by *Domitian*; from those *Ludi quinquennales* instituted by \* *Augustus Caesar*, in memory of the victory, which he got against *Antonius*, vpon the promontory *Albinum*, whence they were called *Albani Ludi*.

y *Holpin.* de  
orig. fest.

z *Sueton.*  
Aug. cap. 18.

CAP. 8.

*De ludis secularibus.*

**A** Vthors agree not vpon the iust period of time, when these secular names were to be renewed; some are of opinion that they were to be celebrated every hundredth year; some every hundredth and ten, some once onely in three hundred: but in this all agree, that they were named *seculares*, from *seculum* which signified at least an hundred yeares, <sup>a</sup>*seculum in centum annos extendi existimabant*. Because the full and compleat age of man, might extend it selfe to the hundredth yeare, and seldome to any about an hundred: thence it was, that the forme of words vsed by the publike cry in proclaiming these games was <sup>b</sup>*Venite ad ludos, quos nemo mortalium vidit, neq. visurus est*. Vnto which <sup>c</sup>*Ovid alludeth Trist. l. 2.* *Carmina...*

Herodian lib. 3. in vita Severi.

<sup>a</sup> Rosin. antiq. l. 5. c. 21.

<sup>b</sup> Pol. Virg. de invent. l. 8. c. 1.

<sup>c</sup> Ov. Trist. l. 2.

*Insserat & Phæbo dicit, quo tempore ludos*

*Fecit: quos ætas aspiciit vna semel.*

But the Emperours being ambitious of honour, & desirous to be spectators of the games in time of their owne reigne, they did often anticipate the time. *Claudius Cæsar* amongst the rest, proclaimed them within <sup>d</sup> sixty three yeares, after *Augustus* had obserued them, which occasioned the people to deride his crier, inviting the people to those shewes and sports, which no man liuing either had seene, or should see againe. Because <sup>e</sup> some who were spectators, nay. actors in those solemnities exhibited by *Augustus*, liued at the same time, When *Claudius* caused this to bee proclaimed. These plaies were also <sup>f</sup> called *Tarentini ludi*, not from the Citty *Tarentum* in great *Greece*; but from a certaine place of the same name neere *Rome*, adioyning to the riuer *Tiber*. All the Theaters at this time were filled, & sacrifices offered throughout all the *Temples*, for the space of three daies, and three nights.

<sup>d</sup> Alex. ab A. lex. l. 6. c. 9.

<sup>e</sup> Suet. Claud. c. 21.

<sup>f</sup> Holspinian. de orig. fest.

nights, which giueth light to that of *Ansonius*.

*Trina Tarentino celebrata trinoctia ludo.*

The first day the Emperour, and the *Quindecim-viri*, early in the morning ascended the *Capitoll*, & there offered sacrifice according to the wonted manner, thence they departed to the Theaters, to performe solempne plaies in the honour of *Apollo & Diana*. The second day the noble Matrons assembled together in the *Capitoll*, they offered vp supplications vnto their Gods, they fasted and sung hymnes, in the honour of the Gods. The third day seuen and twenty boyes, going along three and three, and as many maides in like manner, all of them nobly descended, and hauing both father and mother aliue, sung verses, in which they commended the *Roman* state to the protection of the immortall Gods. This was tearmed *Paenas concinere*, which word *Paan*, though it signifieth primarily an hymne, or song of praise made to *Apollo*, who was called *Paan*,<sup>g</sup> from *παῖς*, a *feriendo*; because of his victory gotten of the *Python*: yet<sup>h</sup> sometimes, and so in this place, it denoteth the praises in generall of all the Gods. Again the phrase intimateth an elevation of the voice in singing, with a kinde of rising from one note to another. Thus *Turnebus* maketh *παυαρίζειν*, & *μυρίζειν* to be opposite<sup>i</sup> *Videtur autem Paan contentionis vocis esse, missio remissionis.*

<sup>g</sup> Cæl. Rhod. antiq. l. 7. c. 5.  
<sup>h</sup> Servius in *Æn.* lib. 6.

<sup>i</sup> Turneb. adv. lib. 1. cap. 12.

### CAP. 9.

*De ludis plebeis, compitalitijs, Augustabilibus Palatinis, Taurilibus, & Votivis.*

**O**Ther games there were performed in the honour of the Gods, which are rather named by Authors then explained, they are these that follow, *Plebeijs ludi*,<sup>k</sup> which were celebrated in memory of the liberty procured to the *Roman* state, by the succession of Consuls in the place of

<sup>k</sup> Alex. ab Alex. lib. 6. c. 19.

of Kings: or as others say, in memory of the reconciliation, wrought betweene the Senators & the Commonalty, by reason of their great oppression at that time, when the Commons in a kinde of mutiny departed to the *Aventine* mount. 2. *Compitalij Ludi*, so called because they were vsually solemnized in *Cōpetiis*, (*id est*) in the crosse-ways, & open streets, <sup>1</sup> they were first ordained by *Servius Tullius*, in the honour of those Gods, whom they termed *Lares*, in memory of his natiuity the forme of words vsed by the *Prætor*, when he signified to the people the time of these solemnities, was as followeth.

<sup>m</sup> *Die noni post Calendas Ianuarij Quiritibus compitalia erūt.* Concerning which words, *Gellius* noteth, *Die noni Prætor dicit, non die none, neq; Prætor solum, sed pleraq; omnis vetustas sic locuta est.* 3. *Augustales ludi*, performed in the honour of *Augustus* *Cæsar*. 4. *Palatini ludi*, so named, because they were performed in the *Palatine* mount. Some are of opinion that they were instituted in the honour of *Iulius Cæsar*; others in the honour of *Augustus*. 5. *Taurij ludi*, which received their name from *Taurus*, a bull: They were first ordained by *Tarquinius superbus*, when there happened a great pestilence amongst the women with child, occasioned by much bull-flesh sold vnto the people, for the remouement of which plague, these games were instituted, in the honour of the infernall Gods. They are sometimes also called *Boalia*, & *Bupery*. 6. To those may wee adde their *Votinos ludos*, which were also performed in the honour of some God, vpon some speciall vow made. For when soeuer the *Romans* did vndertake any desperate warre, then did some *Romā* Magistrate *Vovere ludos, vel templa*, conditionally that they got the conquest; whiles the Magistrate vttered this his vow, hee was said *Vota nuncupare* or *facere vota*, (*id est*, to make a solemne vow vnto the Gods; the vow being thus made, he which made it did write it in paper, & with wax fastened it to the knees of their Gods, thereby binding himselfe the more strongly to the performance; & this in *Pliny* his phrase is *signare vota*

<sup>1</sup> *Plin. lib. 36. cap. vlt.*

<sup>m</sup> *Macrob. i. r. Satur. n A Gel. noct. dt. l. 10. c. 24.*

<sup>o</sup> *Alex. ab A. lex. lib. 6. c. 19. p lib. 56. cap. vlt. q Fests. vii. Ho. spin. de orig.*

<sup>r</sup> *Turneb. ad. ver. lib. 1. c. 17.*

*Inuenal* tearmeth it,

*Genna incerare deorum. Satyr. 10.*

After this he was said to be *Voti reus*, *id est*, conditionally bound and obliged to the performance thereof, so that the Gods might challenge the thing vowed as due; debt, if they granted his request, yea after that the thing craued had been obtained, then was he said, *Damnatus voti, vel voto (id est)* simp'y bound to the performance of the vow, so that by consequence, *Damnari voti, vel voto*, is to haue ones desire accomplished. Thus haue we gone ouer the chiefe and principall games which were meereley *Sacri*, tending to religion, the second sort were, *Ludi honorarij*, of which in the next Chapter.

# CAP. 10.

## *De Gladiatura.*

**S**uch sports and plaies, which were performed by private men vpon their owne purse and charges, they seeking thereby to winde themselves into the affections of the common people, & to make way for their owne preferment and honour, were termed *Ludi honorarij*, & howsoeuer any game or shew might bee tendred vnto the people in this respect, yet those of this nature, were for the most part, either *fencing*, or *stage-playes: fencing*, because the sight thereof was so often freely bestowed vpon the people, is therefore many times denoted by the Latine word, *Munus*; and those that bestow these sights, are for the same reason termed *Munerarij*. The first originall of this fencing, and sword playing, to the killing of one another, hath been deriued from a customary practice among the Heathens, at the burials of their friends, who being periwaded that the shedding of mans bloud would be propitiatory for the soule deceased, hence would they buy captiues and slaues, purposely to be sacrificed at burials: afterward that this wicked spectacle

*Isaac. Casaubon. in Suet. Aug. 30.*

*Lipf. Sat. 1. cap. 7.*

*Tertul. It. Servius in Encid. 10.*

cle



cle might be the more pleasant & delightfull, they changed their sacrifice into a fencing with art, where the combatants did fight for their life. This particular kinde of fencers were called *Buſtuary* from *buſtum*, they place where dead mens bodies were burned; but ambition and cruelty, made these bloody spectacles in after ages more frequent, inſomuch that prizes at laſt were plaid not onely at the tooombes but in diuerſe other places, as the *Cirque* and *Amphitheatre*, &c. yea they were giuen as legacies by will and teſtament vnto the people, the prizes haue continued many dayes together, and the number of the combatants ſometimes exceeded number. At the firſt none would thus hazard their liues, but captiues and fugitiue ſeruants, which were enforced thereunto, being bought for that purpoſe, afterward thoſe that were freeborne ſuffered themſelues to be hired, for which cauſe they were termed *Auctorati* hirelings; <sup>d Sen. ep. 109.</sup> yea noble men themſelues ſometimes by reaſon of their decayed eſtates; ſometimes to demerit the Emperour his loue, endangered their liues in this fight, thoſe that were hired, bound themſelues by a ſolemne oath to fight vnto death, or elſe they would yeeld their bodies to be whipt, yea and to be burnt, vnto which <sup>c Socr. 27.</sup> *Horace* alludeth.

*Quid refert, vri, virgi ferroq; necari*

*Auctoratus eas? an turpi clauſus in arca?*

The manner of this bloody ſpectacle was thus, the Maſter, or exhibiter thereof, did by a publique bill, giue notice vnto the people, what day the prize ſhould be performed, how many couples were to combat, what their names, &c. thereby to procure the greater expectation & concourſe of people, of this ſpeaketh <sup>f Sueton. in</sup> *Sueton*, *Munus populo pronunſiauit in ſulio.* <sup>g Plin. 35.7.</sup> Yea they did in tables hanged in publique view, paint and repreſent, not onely the deſcription of the place, but alſo the very forme and geſture of the fencers.

--- velut ſi

*Reuera pugnent, ſeriant, viſentiq; moventes*

N 2

*Arma*

*Arma viri. Horat. lib. 2, Sat. 7.*

Vpon the day appointed when all met, then were the weapons brought forth, and those, they were of two sorts: *Lusoria*, or *Exercitoria tela*, such as were the speares and wands, or cudgells, that they might toss the one, and fence with the other, and shew other feats of actiuity, All being but preparations to that more solemne & dangerous fight ensuing. The Greeks calleth them *ισοπαυαλὴ ἀρμα*, because of the little balls tied at the sharpe end of the weapons, to preuent dangers. Others were <sup>h</sup> *Decretoria tela*, so called, *Quia hac velut decreto Pratoris, sive Editoris dabantur*. These were those, with which they really encountered each other for life or death, and therefore sometimes they are called *Pugnatoria*, <sup>i</sup> *Seneca* speaketh of both. *Remove ista lusoria arma, decretorijs opus est*. And that the Apostle doth not allude to both, I dare not gaine-say, <sup>1</sup> *Cor. 9. 26. 27.* where hee saith *ὅτι πικτύω ὡς ἐν ἀέρα σίφων, ἀλλ' ὑπὸ μάχῃ με τὸ σώμα*. He did not beat the ayre, and flourish with those lufurious, and preparatory weapons, but he did truly fight against his naturall corruption, to the wounding and subduing of it; for <sup>k</sup> so *ὑπὸ μάχῃ* signifieth putrified wounds. That phrase of <sup>l</sup> *Seneca*es alluding to the fore-flourishings, is not much vnlike, <sup>l</sup> *Sen. l. 3. cont.* *Alud est ventulare, aliud pugnare*. This fore-skirmish with cudgells was properly termed *praludium*: *Megara* speaking of *Hercules* his conquest over the two Serpents, assauling him being yet an infant, saith, <sup>m</sup> *Pralusi Hydra, id est*, that combate was but the prologue, preface, or introduction to that greater, which should ensue betwene him and the *Hydra*. Afterward when they betooke themselves to naked weapons, and to a reall fight, then were they said *Dimicare ad certum*, and *Versis armis pugnare*. This word <sup>n</sup> *Versis* being put for *Transmutatis*. In the act of fighting, they did frame & compose their body according to the rules of their art, for the better warding of themselves, and the readier wounding of their aduertary. This frame and posture of the body

<sup>b</sup> *Lipl. Sat. l. 2. cap. 19.*

<sup>i</sup> *Senec. epist. 117.*

<sup>k</sup> *Suid. in voce ὑπὸ μάχῃ.*  
<sup>l</sup> *Sen. l. 3. cont.*

<sup>m</sup> *Sen. Herc. fur. vers. 321.*

<sup>n</sup> *Lipl. Sat. l. 2. cap. 19.*

body, was by a peculiar name called *Statu*, or *Gradu*. Whence arose those elegant Metaphors *Cedere de gradu*, *Demigare de gradu*: To change ones purpose, and as it were to draw back from what he formerly intended. In like manner we say. *De mentis statu deicitur*, or *deturbatur*; He is driven to change his minde, or in generall he is amazed. In the conflict oftentimes, the sword-players after they had received any dangerous wounds, laid downe the weapons, which though in extremity was a token of cowardise, neither were they thereupon acquitted or discharged; but this depended vpon the consent either of the Emperour, or the people, or the Master of the shew. This discharge was properly called *Missio*. Such was the cruelty of those times, that many prizes were proclaimed, wherein they fore-signified, that such discharges should neither be craued, nor granted: whereupon *Augustus Caesar* made a decree, wherein *Gladiatores sine missione edi prohibuit*. Those combatans that overcame, were receaued by way of reward, sometimes mony, sometimes a garland, or coronet of palme-tree, wound about with certaine wollen ribbands called *Lemnisci*; the coronet it selfe was therefore called *Palma lemniscata*, and hence figuratiuely hath *Palma* beene translated to signifie the victory it selfe, & in orat. pro such a man as hath often gotten the prize, wee say prouerbially that he is *Plurimarum palmarum homo*. The reason why the Palme-tree, rather then any other tree, should be giuen in token of victory, is rendred by diuerse approued authors to be this: because the Palme-tree, though you put neuer so ponderous and heauy waight vpon it, yet it will not yeeld, but rather endeuour the more vpward. Sometimes the reward giuen by the people, was one of those wands, or cudgels vied in the fore-skirmish. That wand was properly called *Rudis*, and it was giuen in token of liberty, signifying thereby, that he should thence forward lead his life free from shedding of blood, alluding to which custome, this word *Rudis* hath beene vied to signifie any other kinde of free.

dome or discharge: Whereupon *Horace* said of himselfe, that he was *Rude donatus, id est*, discharged from his paines in poetry. Lastly, sometimes he that conquered receaued *Pileum*, a cap: And here it will not be amisse, to note the difference betweene *Palma, Missio, Rudis, & Pileus*. *Palma*, was onely a token of victory, not of liberty, or discharge. *Missio* was not full discharge, but a kinde of vocation, or respite granted vpon request, vntill the morrow, or some other time: againe it was granted to those that were conquered, not to the conquerers. *Rudis* was a token of full discharge from bloudie combats, whereby a mans life might be indangered; but yet with this distinction, that if it were bestowed vpon free Citizens, hired to be actors in these masteries, then were they thereby restored to their freedome also, which formerly they forfeited by vndertaken such base conditions: to others which were formerly seruants, or captiues, it was onely a token of liberty and discharge. Notwithstanding sometimes vpon fauour, such seruants or captiues, obtained together with their discharge from such fights, a priuiledge also of enfranchisement, whereby they were thence forward incorporated amongst free Citizens, the token hereof was *Pileus*, for then they receiued a cap, which latter obseruation helpeth for the vnderstanding of *Tersullian*, where he saith. *Qui insigniori cuiq; homicida leonem poscit, idem gladiatori atroci petat rudem, & pileum premium conferat*. In which speech, the vniust, and the vnreasonable practice of those Heathens is displayed, whiles they iudge a man-slayer to be exposed to Lions & wild beasts: and yet notwithstanding will reward the bloudiness of sword-players. These Fencers fought with diuerse manner of weapons, and accordingly had severall names, the chiefe of which we read are these. 1. *Retiarij*, so called from *reteiaculū*, signifying a float-net vsed in fishing, because this sort of Fencers, did fight with a cast-net in one hand, to catch, and claspe about their aduersaries head; and a three forked engin in the other, which they vsed in steed of a sword

f Tertul. de  
spect. cap. 21.

sword of this *Inuena* speaketh, *Satyr. 8.*

--- *Mouet ecce tridentem,*

They did alwayes fight in their coats, whence that Epithetō floweth, *Retiari tuniceati*. The reason why they bore vp and downe sponges, which *Tertullian* calleth *spongias retiariorum* may be for the drying vp of the bloud, and wiping, or stopping of the wounds, which vse of sponges, *Pliny* noteth. Plin. lib. 31. cap. 11. Now because these *Retiarij* were so light armed, they were compelled every time they stroke with their net, to retire backe vntill they recovered their net againe: and hence the second sort of fencers, which fought with them, were termed *Secutores*, *ab inseguendo*, from following and pursuing these *Retiarij*. The weapons wherewith these *Secutores* did fight, were a target, to keep off the net of the aduersary; a sword; & an helmet. Lipf. Satur. lib. 2. c. 7. 3<sup>ly</sup> *Thracas*, so called from the *Thracian* weapons which they vsed, their Target was round and little, called *Parma*, it was at first in vse among the † *Thracians*, & afterward so proper to this sort of sword-players, that \* *Parma-larius*, signifieth such a one as fauored this companie, or faction of fencers. Their sword was a crooked falchion, termed by them *Sica*. The Roman souldiers did vse to weare two of these, a long one on the left side, and shorter on the right side, answerable to our sword and dagger, but the forme of the *Sica*, was alwayes crooked; according to that. *Sica* Turn. Adv. lib. 5. cap. 10. *ἄνδρ' ἔσποσ' ἐμπαλαμάς* Priuie murderers practising the killing of men, may seeme to haue vsed the lesser, as a pocket dagger; such are those *Sicarij*, of which there is such often mention in *Tulli* 4<sup>ly</sup> *Myrmillones*, they are sometimes called *Gallus*, because they were appointed after the manner of the *Gallus*. Their weapons were a sword, a target, an helmet with a crest in forme of a fish. Suet. in Domit. cap. 10. 5<sup>ly</sup> *Hoplomach*, the name imports them to be armed in their fight, it is deriued from the Greeke: *ὄπλον* vel *ὄπμα* *arma*, and *μάχη* *pugna*: vntill *Augustus* his time they were named *Samnites*, their armour was an helmet with a tuft on the crest, a sword, a shield, and a boot on the



† Veget. vide  
Lipl. de milit.  
lib. 3. dial. 7.

the left legge, 6<sup>ly</sup> *Provocatores*, sometimes called *Probattores*, these usually fought with the *Hoplomachi*; their armour was a sword, a target, an helmet, and boots on both legges. For as the foot-men amongst the souldiers; so likewise, some of the sword-players used boots, for the safeguard of their legges, these boots were made of † iron, and so common amongst the Grecians in warre, that boots alone are oftentimes put to expresse the Grecians whole armature, as appeareth by that usuall epitheton in *Homer* *ἰκνύμους Ἀχαιοί*, *id est, Bonè ocreanti Græci*. These boots they wore sometimes on both legges, sometime on one, according as the manner of fight required. 7<sup>ly</sup> *Essedarij*, such as fought one against another out of wagons, so called from *Essedum*, a wagon or chariot. 8<sup>ly</sup> *Andabata*, *quasi aνὰ ἄνω, ascensores*, because they did fight on horse-back, or out of chariots. This sort of fencers, did fight winking, whence ariseth that Adage. *Andabatarum more pugnare*, the phrase is fitly used, when two ignorant persons, are hot in contention about that which neither understandeth. 9<sup>ly</sup> *Dimachery*, called also *Orbela*, they fought each against the other, with two swords a peece, as the first name importeth. 10<sup>ly</sup> *Laquearij*, such as fought with swords & halters, the use of the halters, was the same as the *Retiarij* made of their nets, to cast about their aduersaries necke or arme: that they might the easier wound them with their sword. Of all these sorts of fencers<sup>1</sup> *Lipsius* treateth largely, to whom I referre the reader. Onely here let him take notice that it was in the power of the people, to discharge any of these combatants in time of the fight, which discharge they signified, *premendo pollicem*, by holding down their thumbe: or els to adiudge him to continue the fight, though in neuer so great danger, and this latter they signified *conuertendo pollicem*, by turning vp their thumbe.

Lipl. Sat. 2.

--- Et verso pollice vulgi

*Quemlibet occidunt populariter. Inuen. Sat. 3.*

Moreouer that there might be alwaies in readinesse, a suffici-

ent

ent number of sword-plaiers, hence were their schooles re-  
 rected, into which captiues, fugitiue servants, and notorious  
 offenders, were sometimes condemned, sometimes sold. The  
 Masters of these schooles were called *Lanista*, the schollers  
 or vnder-fencers, trained vp there for more publike & dan-  
 gerous fights, were called *Familia*. The word *Familia* is of-  
 ten taken in this sense, to signify the whole company of vn-  
 der-fencers, belonging to one schoole; & the Master of de-  
 fence; is for this reason, more then once by <sup>m</sup> Sueton called  
*Paterfamilias*. Moreouer, when one challenged another to  
 these combats, they signified their challenge, by beckning  
 with their little finger. *Horace* alludeth vnto this,

*Crispinus minimo me provocat, accipe si vis,  
 Accipe iam tabulas lib. 1. Serm. 4.*

This must be vnderstood of a beckning, and that with the  
 little finger; for otherwise in time of the fight, if either of the  
 combatants did hold vp his finger, <sup>n</sup> hee signified thereby  
 that he did yeeld, and giue place vnto his aduersary: some  
 thinke that *Persius* had respect vnto this custome, in that  
 phrase. *Digitum exere, peccas, Sat. 5.*

<sup>m</sup> Sueton. Ca-  
 lig. 26. It. in  
 Domit. 10.

<sup>n</sup> Alex. ab A-  
 lex. l. 4. c. 26.

## CAP. II.

*De ludis Scenicis.*

THE second sort of plaies bestowed on the people  
 for their favour, were *ludi Scenici*, stage-plaies. The  
 reason of this name *scena* may be seene before. <sup>x</sup> The  
 first institution of them was occasioned by reason of a great  
 sicknes, which by no medicinary help could be remoued; The  
 Romans superstitiously conceiting, that some new games or  
 sports being found out, the wrath of the Gods would there-  
 by bee vnarmed. <sup>y</sup> Where vpon, about the fowre hundreth  
 yeare after the building of *Rome*, they sent for certaine stage-  
 players out of *Hetruria*, which they called *Histriones*, from

<sup>x</sup> Lactius de  
 Repub. Rom.  
 lib. 10. cap. 11.

<sup>y</sup> Alex. Gen.  
 diel. 1. 6. c. 19.

the *Histrurian* word *Hister*, which signifieth such a player. *Quia Hister Thusco verbo ludus appellatur, id nomen Histrionibus est inditum. Polidor. de inven. lib. 3. cap. 13.* Concerning the diverse kinds of stage-plaies I read of foure, called by the *Gracians*, *Admice*, *Satyræ*, *Tragædia*, *Comædia*: by the *Romans*, *Planipedes*, *Atrellana*, *Prætextata*, *Tabernaria*. In English, *Fables Mimicall*, *Satyrical*, *Tragicall*, *Comicall*: These Mimicall players did much resemble the clowne in many of our English stage-plaies, who sometimes would goe a rip toe in derision of the mincing dames; sometimes would speake full mouthed to mocke the country clownes; sometime vpon the top of the tongue to scoffe the cittizen. And thus, by the imitation of all ridiculous gestures or speeches, in all kinde of vocations, they provoked laughter; whence both the plaies and plaiers were named *Mimi*, from *μῖμος* an imitator, or one that doth ape-like counterfeite others; as likewise they were called *Planipedes*, because the Actors did enter vpon the stage *planis pedibus*, id est, <sup>z</sup> *Excaltati* bare-footed. The second sort of plaies were called *Satyræ*, <sup>a</sup> from the lasciuious and wanton country-Gods called *Satyræ*, because the Actors in these *Satyrical* plaies, did vse many obscene poems, and vnchast gestures to delight their spectators. Afterward these kinde of actors as we may conceiue, did assume such liberty vnto themselues, that they did freely and without controlement, sharply taxe & censure the vices even of kings as well as of the commons; insomuch that now we call euery witty poem, wherein the liues & manners of men are sharply taxed, A *satyre*, or *Satyrical* poem. <sup>b</sup> *Satyræ mordax fuit & salsum genus carminis.* These *satyrical* plaies were also called *Atrellana*, from the citty *Atrella* in *Campania*, where they were often acted. The third sort of stage-plaies were called *Tragædia*, from *τραγός*, a Goat, and *ᾠδὴ* an Ode or song; because the actors thereof had a Goat giuen them as a reward. And likewise they were called *Prætextata* from *prætexta*, a certaine Roman robe, which these actors

z Alex. ib.

<sup>a</sup> Antesignan, in suis obser. de metris comicis Teren. præfixis.

<sup>b</sup> Vid. Erasmo. adag. *Καυδὸς ὀδὴς γὰρ κωμῶν.*

Actors did use to weare in their plaies. The fourth sort were *comædici*, from *κῶμαι* which signifieth villages, & *ᾠδῶν* because these kind of actors did goe vp & downe the country acting these Comedies in the villages as they passed along. They were likewise called *Tabernarii à tabulis*, id est, from the boards or pences, wherewith they were sheltered from the weather, whiles they were acting. These two last sorts of plaies, namely Tragedies and Comedies, being still in vſe among vs, it will be worth our labour to consider the communities, wherein they agree; otherwise the proprieties or notes of distinction by which they differ. I find three sorts of parts, wherein they agree, namely *partes primariae, accessorie, circumstantes*; parts principall, accessory, and circumstances, which are not so truly parts, as accidentall ornaments added to beautify the plaies. The principall parts are 4. its respect of the matter treated of: For as far as the declaration or exposition of the matter in hand reacheth, without intimation of the event to ensue, so far reacheth the first part called *propositio*, which word signifieth no more then a proposition or declaration. But when the play enclineth to its heat and trouble, then ensueth the second part called *exortatio*, which signifieth the intention or exaggeration of matters. The third part is called *argumentum*, id est, the state and full vigor of the play. The last part which is an vnexpected change into a suddaine tranquillity & quietnesse is called *catastrophe* whence by a metaphor it hath beene translated to signify the end or period of any other thing; or rather the inclinatio vn-to the end, as *vita humane catastrophe*, the end of a mans life, in respect of the players forsaking the stage, the parts were five, namely the five Acts. For the Actors did five times in every Comedy and Tragedy forsake the stage, & make as it were so many interruptions. The occasion whereof is supposed to haue bin this, that the spectators might not bee wearied out with a continued discourse or action, but that they might sometimes be delighted with variety intermixed. For

those breaches and chasmes betweene each act, were made vp and supplied, either by the *chorus* or *Musicke*. Where we must note, that every Tragedy and Comedy must haue five Acts, and no more, according to that of *Horace*.

*Nam minor quinto, ne sit productior actus*

*Fabula, ----*

Againe wee must remember that it is not necessary that the *persons* should alwaies be contained in the first Act: though many times it hapneth so, for in *Plautus* his bragging soldier the *Protagoras* is found in the second Act: and so likewise haue the other three parts, *id est*, *Epitasis*, *Catastasis*, and *Catastrophe*, their bounds vnbounded. These Acts are divided into severall scenes, which sometimes fall out more, sometimes fewer in every Act. The definition of a scene being

<sup>c</sup> Vid. Erasim.  
Adag.

*Mutatio personarum*: Whence we call a subtile *Gnatho* which can humour himselfe for all persons and times *omnium scenarum homo*, a man fit for all parts. Now amongst the *Romans* it was thought vnfit, that about three persons should come on the stage in one scene.

*Nec quarta loqui persona laboret. Hor.*

The *Partes accessoriae* in a Comedy are foure *Argumentum*, *Prologus*, *Chorus*, and *Mimus*. The first is the matter or subject of the Comedy: the second is the Prologue, which is either *in Senibus*, such as doth open the state of the fable, at which time there needeth no argument, or else *in Adolescentibus*, such as commendeth the fable, or the Poet vnto the people, or lastly *in Apocryphis*, such as shall refute the objections and cavills of adversaries. The third is *Chorus*, which speaketh betweene each Act; and this *Chorus* may consist either of one, or many speakers, and that either male or female: <sup>b</sup> but with this caution, that if a male be to be commended, then must the *Chorus* consist of males; if a female be to be commended, then must it consist of females. And alwaies whatsoever the *Chorus* speaketh, it must be pertinent to the Act past, or covertly intimating somewhat ensuing.

<sup>d</sup> Rosin. ant.  
cap. de trag. &  
com. lib. 5.

*---- Nor*



Non quid medios intercinat altus,

Quod non proposito conducatur & hereat apud Horat.

It may seeme sometimes that in the midst of the play, some other sport was interposed, as hunting, or fencing, or such like to delight the spectators with the greater variety, whence Horat, *Si discordet eques, medio inter carmina poscunt*

*Aut vrsus aut pugiles.*

These interposed varieties were denoted by the name of *Diludia*, *Displicet ista locus, clamo, & Diludia posco.* Horat. The fourth and last accessory part, was *Mimus* the clowne, or foole of the play. Of all these parts a Tragedy hath only a *Chorus*. The *partes circumstantes*, or accidentall ornaments were foure, common to both, *Titulus*, *Cantus*, *Saltatio*, *Apparatus*, *id est*, the title of the play, Musicke, Dauncing, and the beautifying of the Scene. By the Scene in this place I vnderstand the partition betweene the plaiers vestry, and the stage or scaffold. This partition at the acting of a Tragedy was vnderpropped with stately columnes and pillars, and beautified with paintings resembling princely buildings and the images as well of Gods as Kings. At the acting of a Comedy country-cottages and private buildings were painted in the out-face of the partition. In the *Satyrical* plaies the painting was overcome with shadowes of mountaines and woods: The first of these partitions they called *Scenam* Alex Gen. *Tragicam*, the second *Comicam*, the third *Satyrical*. The difference betweene a Tragedy and a Comedy, which may be collected out of *Antesignanus* are these: first in respect of the matter, because a Tragedy treateth of exilements, murders, matters of griefe, &c. a Comedy of loue-toyes, merry fictions and petty-matters, the one being *δράμα μέλοχον*; the other *πῶς μέλοχον*. In a Tragedy the greatest part of the Actors are Kings and Noble persons; in a Comedy private persons of meaner state and condition. The subject of a Comedy is often feigned, but of a Tragedy it is commonly true and once really performed. The beginning of a Tragedy is

calme and quiet, the end fearfull and turbulent; but in a Comedy contrarily the beginning is turbulent, and the end calme. Another difference which *Antesignanus* hath omitted is behouefull for vs to know, namely that the Tragedians did weare vpon the stage a certaine shooe, coming halfe way vp the legge in manner of buskins, which kind of shooe was called by them *Cothurnus*, and from that custome it hath bene occasioned, that *Cothurnus* is translated to signify a Tragicall and lofty stile, as *Sophocles digna Cothurno*, matters beleeving *Sophocles* his stile: and sometimes a Tragedy it selfe. The Comedians did vse an high shooe coming vp about the ankle, much like a kinde of shooes which plough-men vse to weare to keepe themselues out of the dirt. This kinde of shooe is called *Soccus*, by which word sometimes also is signified a Comedy, as

*Nixis medium  
impedit crux  
Pellibus.* Hor.  
Ser. l. Sat. 6.

*Hunc socci cepere pedem grande scq. Cothurni.* Horat.

g Antefig. 10.

\* All these sorts of stage-plaies both *Mimicall*, *Satyrical*, *Tragicall* and *Comical*, if they are acted according to the *Gracian* rite and custome, then were they called *Palliata*, from *Pallium*, a certaine mantle which the *Gracians* did vse to weare, if according to the *Roman* maner, then were they called from the *Roman* gowne *Togata*.

# CAP. 12.

## De Troiano ludo, siue Troia.

**I**T was custome among the *Romans*, sometimes in the yeare to haue a generall muster of the younger sort, who meeting in the cirque, exercised their running, racing, riding at tilt, and other such like feats of activity, whereby they might be trained vp for their better service in the war. They chose a Captaine, one or other of noble birth; <sup>a</sup> He was called *Princeps iuuentutis*. They diuided themselues into distinct companies, sometimes marching forward, one against

<sup>a</sup> Hospin de  
orig. fest.

gainst another, sometime retiring backward, sometimes skirmishing, sometimes imbatling themselves in one forme, sometimes in another, as if it were a true field pitch. A large and full description hereof wee have in *Virg. Æn. 5.* This game was called *Troianus ludus*; or simply *Troia*, without the addition of any other word, because *Ascanius Æneid* his sonne first brought it out of Troy, according to that of *Virgill*, in the fore-quoted place.

*Hunc morem, cursus, atq; hæc certamina primum  
Ascanius longam muris cum cingeret Albam,  
Retulit, & prisce docuit celebrare Latinos.*

Among other sports used at this time, there was also a kind of moriske daunce, wherein the younger men danced in harmony, after a warlike manner, being thereby trained, to exercise all parts of their body, by sundry gestures, as well to avoid all venues and defend themselves, as to annoy & offend the enemy. This kinde of dance is generally called *Pyrrhica saltatio*; because it was invented by *Pyrrhus*. Yea some say, that *Suetonius* taketh *Troianus ludus*, and this *Pyrrhica saltatio*, for one and the same thing. Nay, *Alexander* confoundeth both these, with those other games tearmed *Invenales ludi*. But doubtlesse herein he was mistaken, for those *Invenalia*, were instituted by *Nero* at the shaving of his beard, and had not their name, because young men were the chiefe actors, but because old men would now by the practise of youthfull sports, turne young againe. The actions at this time were so farre, from favouring of military discipline, that on the contrary, they were for the most part effeminate and wanton.

## CAP. 13.

*De tessera, talis, & latrunculis.*

o Alex. ab A-  
lex. lib. 4. c. 2.

p Sueton. Aug.  
cap. 40.

**B**Efore we treat of the game called *Ludus Tesserarius*, it will not be amisse first to cleere the word tessera from all ambiguity. The word hath foure remarkable significations all alluding to matters of antiquity: First it signified a watch word among the souldiers in the campe, whereby they discerned their enemies, or spies, from their own fellows; o *Alexand.* ab *Alexandro* giueth many examples hereof: *Augustus Caesar* in his camp, gaue for his watchword *Venus genetrix*. *Pompeius magnus* gaue for his, *Hercules inuictus* &c. & this was called *Tessera militaris*. 2<sup>ly</sup> There was *Tessera frumentaria*, a certaine ticket, or token giuen by the Magistrat vnto the poore, at the tending whereof, p at the beginning of every month, certaine doles & measures of corne were giuen; it is evident that at first there were such monthly distributions of corne, euen by that endeavour of *Augustus* his, who for the avoiding of trouble, would had reduced all to three set distributions in the yeare, but prevailed not: sometimes instead of corne, or happily over and aboue the corne, there were at certainetimes, doles of mony giuen to the poore, which dole whosoever receaued, tendred his token or bill of exchange, termed *Tessera numeraria*; these two last acceptions, although they may be distinguished, yet because they both tended to the releefe of the poore, I haue joined them together. Thirdly, there was *Tessera hospitalis*, a certaine token of wood, or such like matter, which vsually was cut in two by those, who had engaged themselves mutually to entertaine each other, whensoever entertainment should be craued, yea this wooden ticket or tally being mutually accepted, it was lawfull for their posterity bringing this token, to challenge hospitality. Thus he in *Plautus*, ha-  
ving

ving formerly vsed *Antidomus* as his hoast. After *Antidomus* his death, he cometh vnto *Antidomus* his adopted sonne not doubting of entertainment, for saith hee: *Domus hospitalem, ac tesseram vacuum fore*; Hence from this custome, or tendering a token when hospitality should be craved, that adage hath bene derived *Tessera hospitij confragit, id est*; He hath broken the league of hospitality; Lastly, *Tessera* signifieth a dye; where we must note that the word *alea*, which commonly is translated a dye, is a general word, applyed equally both to the *Tessera*, and the *Tali*, to denote the vncertainty of both games: *Tessera* properly signifieth a dye; *Talus*, an huskle-bone, such were with children play *cockall*. In determining the seuerall chaunces in these playes, Authors are not onely diuers, but in many things contrary each to other, neither can any certainty be gathered from their writings; whether my coniectures drawn from comparing their seuerall and contrary writings, may giue light for the right vnderstanding of decayed knowledge herein, I shall willingly submitte my selfe to the censure of the iudicious. The seuerall chaunces which I reade of are these, some arising from the number of poynts in the dye, as *Senio, Monus*, More vsually amongst the Grecians, & these two were termed *Kōos*, & *χίος*; *χίος* id est *χίος* id est *χίος*, *id est*, *χίος*. *Chios* answered our *Ace*, *Com* our *Diue*. And this is confirmed by a proverbe in vse among the Grecians. *Kōos* *χίος*, which the learned interpret to be, a comparison of vnequals: a Pygmie, with a gyant; others named from the number I reade not of. Perhaps they played not with a single dye, but with three as we vse in *Passage*, whence their chaunces might haue their name, not from the number of poynts in each seuerall dye, but from them all being cast. But that the *Tessera* had points in them, appeareth by the testimony of *Turnebus*: And hence *Numerus*, is sometimes, vsed for *Tessera*. a Suid. in voce  
a Turneb. adu.  
lib. 5. c. 6.

*Sen ludes numerosq; manu iactabit oburnos.*

P

Ovid.



Ovid. 2. de Art. Amand.

That they used more *Tali* in their playes, then they did *Tessera*, <sup>b</sup> Turnebius obserueth from that verse.

<sup>b</sup> Turn. adu.  
lib. 6. c. 10.

*Non sum talorum numero paratissima.*

*Martial. 14. epigr. 15.*

<sup>c</sup> Cael. Rhod.  
1. 20. c. 27.

<sup>c</sup> *Calius Rhodiginus* speaketh more distinctly, saying that in their play they use three *Tessera*, but foure *Tali*. These *Tali*, were sometimes called *Vulturij*, as appeareth by the same <sup>d</sup> *Rhodiginus*, and likewise *Reguli*, the reason of both is rendered by <sup>e</sup> *Turnebius*, he being of opinion, that these *Tali* had not points in them as the *Tessera*, saith, *pro numeris effigies animalium habebant ut vulturum, aut regulorum*, that they were termed *Vulturij*, is probable by that of *Plautus*.

<sup>d</sup> Cael. Rhod.  
1. 20. c. 18.

<sup>e</sup> Turn. adu.  
1. 5. c. 6.

*Tace parumper, iacet vulturius quatuor.*

*Plaut. curcul. Act. 2. Sc. 3.*

But that the cocklebones should be called *Reguli*, I somewhat doubt, for no question: but *Regulus* and *Basiliscus* in this place signified one and the same thing, the one being the *Latine*, the other the *Greeke* word, now *Basiliscus* as shall presently appeare, signified the whole chaunce. So confused are the opinions of Authors herein, that to assigne the reason for every chaunces name, or to reduce every chaunce determinately, either to the *Tessera*, or the *Tali*, I thinke it impossible. Onely, some may be thus reduced, and in generall wee may conceiue probably, which chaunces were fortunate, which vnfortunate. The vnfortunate chaunce in the *Tali*, was commonly called *Canis*, or *Canicula*, or *Chim*:

<sup>f</sup> Lips. antiq.  
lib. 3. c. 1.

The most fortunate chaunce *Canis*, or *Basiliscus*, <sup>f</sup> *Lipsius* taketh them both for one, and that not without ground, if we compare *Horace*, and *Plautus*; both of them treating of that old custome of throwing these cocklebones at their feasts, for they choice of their *Medipator*, or master of the feast, which should prescribe lawes for drinking to the whole company.

*Venus arbitrum,*

*Dices bibendi.* saith *Horace*.

*Latine*

*Iacto Basilicum, propino magnum poculum.*

Saith *Plautus*, *curent*: and why may not this Cast be iustly termed *Basilicum*, seeing the *Modipator* hereby designed, was by the *Gracians*, not onely called *αυμνιαρχος*, but also *βασιλευς*. King, Prince, or chiefe commander at the table. This Cast was then brought to bee throwne, when all foure cocklebones appeared not one like the other, but all with different faces, *Venus consurgebat ex talis quatuor iactatis, & Cœl. Rhod. lib. 20. c. 27. ubi diuersam omnes ostendissent faciem*: with whome accordeth <sup>b</sup> *Turnebus*. *Venus erat, cum nullus eodem vultu stabat talus*. *Hercules* was also a lucky throw, but whether the same as *Venus*? I haue not yet learned.

The games with the *Tessera* I make no question were diuerse, the ignorance of which, they being long since out of vse, haue caused much obscurity in this matter, one game there may seeme to haue beene in vse, where the iust number of eight seemeth to haue beene the chiefe cast. It was called <sup>a</sup> *Stesichorinus iactus*, or *Stesichorinus numerus*. The reason is rendred by *Rhodiginus*, because *Stesichorinus* his tombe, erected at great charges for greater magnificence, *Ex octonis consistabat omnibus, id est*, consisted of many eights; to wit, eight angles, or corners; eight columnes; eight steps, or greeces. In their common game, the most fortunate throw is thought to haue been three *sices*, wee call it in *Passage*, a *Royall Passe*, whence it was commonly called *Senio*;

--- *Quid dexter senio ferret*

*Scire erat in votis, damnosa canicula quantum*

*Raderet, Augusta collo non fallier orca, Pers. Sat. 3.*

Which one place of *Persius*, giueth light to this in three things. First, that the winning cast, was termed *Senio*, and if you make *Basilicus*, a terme common both to dice, & cocklebones; as *Venus* is, we may fittly render it, a *Royall Passe*. Secondly, the loosing cast *Canis* or *Canicula*, in English a *Dogge Chaunce*. Thirdly the manner of their play, both in their Dice, & Cocklebones, was by casting them, not im-

diatly out of their hand, but out of a dish or narrow mouth-  
ed vessell, that there might be faire play, without striking, or  
cogging the dye, this vessell *Perſus* calleth *Orca*, and descri-  
beth it to haue a narrow mouth, freight necke. *Horace* ap-  
plyeth it vnto the *Tali*, *Satyr. 7. l. 2.*

*Mitterat in Pyrgum talos.*---

Calling it *Pyrgus*, vsing the *Greeke* word *Πύργος* a tower, or  
steeple so called from *πύρ* fire; because the forme thereof, be-  
ing *acuminata*, resembleth the rising of fire: the word inti-  
mateth *Horace* his *Pyrgus*, to haue beene of the like forme,  
with *Perſus* his *Orca*. But to returne to the game, the chiefe  
cast as I said was thought to be when three *scites* appeared;  
which opinion is strengthened, by that common proverbe:  
*Aut tres sex, aut tres tessera, id est.* either three *scites*, or  
three *Acies*. And the first of these being the best, the other the  
worst chance in the Dice: The proverbe implyeth thus much,  
I will put all to the hazard, I will winne all or loose all. This  
cast was also called *Mydas*, for as *Rhodiginus* speaketh, *In*  
*Tesserario ludo, Mydas iactum erat fortunatissimus*, with whom  
accordeth <sup>k</sup> *Dempster*, prouing it out of *Snidas*.

<sup>k</sup> Dempst. an-  
tiq. Rom. l. 5.  
cap. 1.

*Mydas i in iussu a subtrahit.*

*Mydas in tessera consulator optimus.*

This name signifieth the best chaunce, was not appropriated  
to the *Tessera*, but sometimes also signified the fortunatest  
chaunce of the *Tali*. Likewise from that of *Martial*, lib. 1. 3. 1.

*Senio nec nostrum cum cane quassat ebur.*

<sup>l</sup> *Erasmus*, adag.  
Chius ad  
Comm.

It is noted by <sup>l</sup> *Erasmus*, that as often as an *Acie* hapned to be  
throwne together with a *scite*; so that *Senio*, and *Canicula*  
appeared together at one throwe, it was a loosing cast. <sup>m</sup> *Sue-*  
*ronius* is cleare in the prooffe hereof, if for *Aut* we substitute  
*Et*, which vnlesse we doe, it will be a matter of great difficul-  
ty, to make congruity of sense. His words are *Talis enim ia-*  
*ctatus, ut quisq; Canem aut Senionem miserat, in singulos talos,*  
*singulos denarios in medium conferebat, quos tollebat vniversos*  
*qui Venerem iecerat.* Turne *aut* into *&*, the sense is obuius,

Locke

Looke who threw an *Ace* and *Sice* together for euery dye he staked and laid to the stocke a *Dinere*; which he tooke vp and swooped all cleane, whose luck it was to throwe *Venus*. *Euripides*, as I take it, was not a chaunce but a kinde of game, much resembling that which is in vse with vs, called *one and thirty*: The number of that game was *Fourty*, and the game called *Euripides*, because *Euripides* was one of the *Fourty* chiefe gouernours in *Athens*, when the thirty Tyrants were deposed. The reason of my coniecture is taken from *Rhodiginus* whose words are these: *Euripides nummorum continebat quadragenarium, quoniam videtur vnum fuisse* lib. 20. c. 27. *Euripides praefectorum quadraginta, post triginta Tyrannos Athenis exaltos*. From all we may note, that the *Iactus prouus*, or *Iactus plenus*, that is the lucky cast, wee may english it *Take all*, was commonly called *Senio*, *Venus*, *Coma*: the *Iactus supinus*, or *iactus inanis*: was likewise commonly knowne by no other name then *Canis*, *Canicula*, or *Chim*, we may English it *Blanke*.

\*Some haue deliuered their mind touching these plaies thus that the *Tali*, or Cockle. bones had but foure faces or sides, and therefore yeelded foure chaunces, and no more; the first is called *Canis*, or *Canicula*, or answering to our *Ace*: and it was the worst of all: the opposite vnto it they terme *Venus*, or *Coma*, and is accounted the best; *Mercula* against sense vnderstandeth the number of seuen by it, it may stand for our *Sice*. The third bore the name of *Chim*, proportioned to *Trey* with vs, and the *Senio*, which is as much as *Quatre*. For in these *Tali* there is no chaunce of *Deaur*, or *Cinque*. This opinion at first I confesse seemed plausible to me, but how fully it discouereth the game, and how agreeable it is to antiquity let others iudge. The chaunces of the dice, or cockle-bones as they were termed *Iactus & Missus*, castes: so also were they called *Manus*, figuratiuely, as euery stroke in the fencing schoole, was termed *Manus*: The first acception of *Manus*, is prooued out of *Suetonius*, 71.

Cael. Rob.  
lib. 20. c. 27.

Barthol. Me-  
rula in Ov. de  
art. amand. l. 2.

Lips. Sauer.  
lib. 2. cap. 20.  
q. Suet. Aug.

where *Augustus Caesar* speaketh thus. *Si quas manus remis-  
cuiq; exegissem, aut retinuissem quod cuiq; donavi, vicissem, & c.  
id est*, If I had exacted those chaunces which I remitted every  
one, and kept that which I bestowed, I had gotten, &c. The  
second acception of *Manus*, is confirmed by *Quintilian*,  
who calleth the second, third, and fourth strokes in fencing,  
*secundas, tertias, & quartas manus*. Our English phrase is not  
much unlike; He hath had a good or bad, lucky or unlucky  
hand. Another game there was of like nature played with  
table-men, the word *Lattrunculus* translated a table-man,  
doth properly signifie an hired souldier, such a one as served  
for pay: whence *Latro*, whose diminutive *Lattrunculus* is,  
hath his denomination *ἀπὸ τοῦ λатρῶναι ἀ σερuiendo*. In this  
sense the word is used by *Plautus*.

*Quint. lib. 5.  
cap. 14.*

*Plaut. mil.  
glor. Act. 1.  
sc. 1.*

*Nam rex Seleucus me opere orauit maximo,  
Ut sibi latrones cogerem, & conscriberem.*

Secondly, because souldiers are so prone, and apt to commit  
robberies, hence *Latro*, and *Lattrunculus*, hath bene used al-  
so to signifie a theefe or robber. And thirdly in a borrowed  
sense, these words are applied to signifie table-men, or chesse-  
men; because this game hath the expresse forme and repre-  
sentation of a warre, or battle, fought betweene two armies:  
Insomuch that *Pyrrhus* King of Epire, being skillfull in  
plotting stratagems, first taught his souldiers that art of pro-  
iecting, by playes and representations thereof in the table-  
men. Some are of opinion, that it was first invented in the  
siege of Troy, by *Palamedes*, who that he might keepe his  
souldiers in better order, allowed them this kinde of recrea-  
tion, whence these chesse-men, are sometimes called *Palame-  
diaci calculi*, they were made sometimes of wax, sometimes  
of glasse, so netimes of other matter, The game seemeth to  
haue bene the very same with that which we call chesse. O-  
ther games there were of lesser note for recreation, of which  
fort were principally these that follow; *Petaurum*, *Disco*,  
*Pala Trochus*, *Nuces*, *τίστροφοι*, from whence this Latine word

*Petaurum*

*Donat. in  
Terent. Eun.  
Act. 4. Sc. 7. ad  
illud. Idem.  
hoc iam Pyr-  
rhus fecit ait  
Scuidas in  
voce τίστροφα.*



*Petantur* commeth, signifying properly a perch or pole, on which poultry roust, and hence the rope or staffe on which light persons were wont to dance, and try masteries, was termed *Petantur*. It signified also a certaine hoope, or wheele, through which actiue persons would runne swiftly, their body so warily carried, that in their rúning, they would not touch the hoope or wheele, to this purpose *Alex. Neop.* speaketh. *Fuit quoq; petauri ludus admirationis precipua, cum a Alex. ab A- per circulos, quispiam veloci cursu transuolat, corpore ita libra- lex. l. 3. c. 21. 10, vi circulum non offendat.* Such tumblers as were practized in this kinde of actiuity were thence called *Petaurista*. *Discum* was a round stone in manner of a bowle, sometimes made of yron, or brasse, whosoever could cast it farthest got the victorie: the players thereat were called *δισκοβόλοι*, from *δισκος* and *βῶλον* to dart, or cast out any thing. *Pila* it signifieth a ball, and of it there were many sorts. 1. *Harpastum*, which we may English a Foote-ball. <sup>b</sup>This ball being put downe in the middle, two companies of young men, stroue who should driue it through the others goale. <sup>b</sup> *Pila* which signified a distinct kinde of ball so called from the haire with which it was stuffed. <sup>3</sup> *Follis*, light kinde of ball, so called because it was stuffed with a bladder: with this old men, and young children played. <sup>4</sup> *Paganica*, this had its name *a pagis*, from villages and country-townes, where it was chiefly in vse, it was stuffed with feathers; of all these. *Martial. l. 14. 45.*

*Hæc quæ difficilis turgit paganica plumâ,  
Folle minus laxa est, & minus arctâ pilâ.*

Fifty *Trigonalis*, and this I thinke both the *Pila*, and the *Follis* were called, in opposition to the *Paganica*: the reason of the name is taken from the forme of the tennis-courts, which because they were three-square, in manner of a triangle hence was the ball with which they played in such courts, <sup>c</sup> Cal Rhod. termed *Trigonalis*. The players themselues were termed <sup>lib. 2. c. 18.</sup> *factores*; those that did cast the ball into the court, were called simply *datores*; and <sup>d</sup> hence *datum ludere*, is to play at <sup>d Turneb. ad- uers. l. 7. c. 4.</sup> ball.

ball, or else, we may imagine the reason of this phrase to be, because such as in their play by negligence did let downe the ball, did *furam dare*: hold out their legge, to haue the ball flung at it. *Trochus*, it signifieth a top, as it were commonly called *Trochus*, from *τροχός* to runne; because of the swiftnes thereof: and likewise *Turbo* in Latine, for the same reason: so sometimes it was called *buxum*, from the matter whereof it was made, as

*Buxum torquere flagello. Pers. sat. 3.*

*Nuces*, with nuts they had many plaies, some of which are at this day in vse. One holding an vncertaine number of nuts in his hand, his fellow that plaied with him, was to diuine whether the number was even or odd. This *Horace* calleth

*Ludere par impar* ---

The *Gracians* *ῥυὰ ἢ ἄρυνα*. Of this *Ovid. de nuc.*

*Est etiam, par sit numerus qui dicat, an impar:*

*Ut diuinitus auferat augur opes.*

Sometimes they piled their nuts, three beneath and one on the top, in manner of a Castle, of this *Ovid*: speaketh likewise.

*Quatuor in nucibus non amplius alea tota est,*

*Cum sibi suppositis additur vna tribus.*

Yea; these nut-games were so many, and so peculiar to children, that striplings growing into mans estate, were still reputed children, vntill they forooke these nut-sports, whence *nucibus relictis*, sounds as much, as childishnes being past: and this is thought to be the reason, why the bride-man, as soone as he was married vsed to cast nuts among the people: intimating thereby a farewell to such childish pastimes. Many other childish games they had, among which one resembled our crosse and pile: they termed it *Capita vel navim*; because the coyne which they fillipped or tossed into the ayre, bore stamped on the one side *Iannus* his two faces, on the other side a shippe.

e Rosin, ant.  
Ram. l. 5. c. 27.

f Anton, Con-  
stant in Ovid,  
Fals. lib. 1.

## CAP. 14.

*De mensis & convivij Romanorum.*

**B**Efore wee proceed vnto the discription of the *Roman* tables, we will explaine those five tearmes, *Ientaculum*, *Prandium*, *Merenda*, *Cæna*, & *Commissatio*. which five words doe signify the five severall feedings each day, which children, old men, labourers, travellers, & such like, did vsually obserue; for others of healthier & stronger constitution, did commonly eat but one meale, at the most but two in the day. *Ientaculum* signifieth their break-fast, and it had its name, like as our English word hath, *à ieiunio*, from fasting: In former times it was called <sup>a</sup> *silatium* from *Sile*, the name of a certaine hearb, with the root whereof, they were wont to season that wine, which they had at breakfast: For as <sup>b</sup> *Plutarch* saith, their break-fast was nothing but a sop dipped in wine. In the same place, he likewise saith, that in old time they had no dinner, but that which we call *Prandium*, was the same with them as *Ientaculum*, and thus much the Greeke word *deipnon* signifying a dinner, doth intimate. it being so called, *quasi à deipnon*, from *deipnon*, which signifieth the morning. The name *Prandium*, which wee render a dinner, was so said *quasi παρ' ἡμεραν*, signifying noone-tide, or mid-day. The third time of taking meat, was called *Merenda*: we may english it our afternoones beauer: it was called also *Antecaninum*, because it was taken a little before supper. <sup>c</sup> *Merenda est cibus qui declinante die sumitur, quasi post meridiem edendus, & proxime cæna; unde & Antecaninus à quibusdam dicitur.* The fourth time, was their supper, called *cæna*, *quasi novæ*, which signifieth as much as *Common*, <sup>d</sup> *quia antiquitus seorsim solebant prandere Romani, cenare cum amicis*: Their fift and last time of feeding, was called in Latine *cōmissatio* by some, by most *comessatio à comedendo*. <sup>e</sup> *Ioannes*

Rosin. antiq.  
lib. 5. c. 27.

b Plut. in sym.  
lib. 8. q. 6.

c Lust. Lips.  
cent. 1. ep. 65.

d Plut. symp.  
lib. 8. q. 6.

e In orat. pro  
M. Cælio,

*nes Tristinum* saith, that it is a beauer taken after supper, or a night drinking. But the chiefe feast; whereat they gaue entertainment, being their supper, we will consider these three things therein. First *accumbendi vel discumbendi rationem*, that is the manner of their lying at supper (for they did neither stand, nor sit at table as we doe:) secondly, the forme & fashion of their table; and lastly the parts of their supper. The place where they supped was commonly called *Cœnæculum à cœna*, as our dining chamber is so called from our dinner. It was also called *Triclinium* or *Biclinium*, from *κλινν* a bed: for sometimes there were three beds, sometimes but two about the table, vpon which the guests did sit, or rather lye along. In this dining parlour, was placed a table, sometimes made quite round, and for the common sort of people it was made of ordinary wood, standing vpon three feet; but for men of better ranke, it was made of better timber, inlaid sometimes with wood of diuerse colours, sometimes with siluer, and it stood vpon one whole intire foot, made of Ivory, in the forme of a great lyon, or Leopard, &c. Vnto the meaner sort of these tables *Horace* alludeth.

--- *Modo sit mihi mensa tripes. Hor. Sermon. 13.*

Vnto the other *Iuuenal. Sat. 11. vers. 122.*

-- *putere videntur*

*Vnguenta atq; rosa, latos nisi sustinet orbes*

*Grande ebur, & magno sublimis pardus hiatus.*

Sometimes this table was made in the forme of an halfe moone, the one part thereof being cut in with an arch or semicircle, and then it was called *Sigma*, because it did much resemble the letter *Sigma*,<sup>e</sup> which as it appeareth by certain marble monuments, was in old time made like a *Roman C*. Hence is that of *Martial. lib. 14. 87.*

*Accipe lunata scriptum testudine sigma.*

If any man should demaund the reason, why they cut their table in that forme, I must confesse I haue not read any reason in any author bearing shew of probability, My conjecture

*f* *Lazius de re-*  
*Pub. Rom. l. 3.*  
*cap. 3.*

*g* *Rom. antiq.*  
*l. 3. c. 28.*

ecture is this. It is agreed vpon by most authors, that in the round tables the one quarter was reserved void from guests: that the waiters might haue a convenient roome to attend: therevpon it seemeth not improbable vnto me, that this crooked arch was made for the waiters, I acknowledge that this *Sigma* hath beene translated diversly by divers writers, as it appeareth by *Lipsius* in the fore quoted place. By some it hath beene taken for the parlour, or supping chamber: so *Lipsius* in his *Antiquities*; by others for the supper or feast it selfe: so *Calius* By *Lipsius* since it hath beene thought a certaine place, erected in the manner of a hemicycle, or halfe moone, against which they did place one continued bed, able to take sixe or seuen guests. But *Brodeus* and *Dismarus*, in my opinion, haue more truly taken it for the table it selfe. About the table that was perfectly round, were placed three beds, couered with tapistry, or some other kinde of couering, according to the wealth and ability of the person, and thus,

--- *Srato discumbitur ostro;*

the beds being ready furnished, the guests lay downe in manner as followeth. Each bed contained three persons. Sometimes foure, seldome or never more, except at their great and more solemne feasts. If one only lay vpon the bed, then he rested the vpper part of his body vpon his left elbow, the lower part lying at length vpon the bed: but if many lay vpon one bed, then the vppermost did lye at the beds head, laying his feet behind the second his back, the second rested his head in the others bosome, hauing a cushion put betweene, laying his feet behind the thirds backe; in like manner the third and fourth did lye. The number of the guests was not great, seldometimes exceeding nine whēce *A Gel.* *linus* saith, that the number of guests should begin with the *Graces*, & end with the *Muses*, that is, they must not be fewer then three, nor more then nine. This also hath bin the reason of that adage, *Septē convivium, novem convitiū faciunt.*

b A Gel, no 8.  
Att. l. 13. c. 11  
Tribus aut novem  
miscantur  
cyathis pocula  
commodis. Qui  
musas amat  
impares, Ternos  
ter cyathos at-  
tonitus petet.  
Vates tres pro-  
bibet supra  
Rixarum metu-  
ens tangeri Gra-  
tia Nudis iun-  
cta sororibus.  
Horat. carm.  
l. 3 Od. 19.  
i Alex. Gen.  
dict. l. 5. c. 22.



Heliogabalus seemeth to haue bene delighted with the number of eight,<sup>k</sup> whence he invited to supper *otto calvos, otto lufcos, otto podagrosos, otto furdos, otto rancos, otto insigniter nigros, otto insigniter longos, otto prapingues, & otto natos, delectatus illo Græco proverbio; ἀνατοῦτο*. Those that were not invited, but came of their owne accord vnto a feast without bidding, by *Plautus* they are called *Musca*, flies; by others they are called *Umbra*, shadows. Hence is that of *Horace*.

--- *Locus est pluribus umbris.*

The party which invited the guests, sometimes expressed his earnestnesse, by pulling and hailing one by the cloake: whence *Stuckius* obserueth, that when they would shew how earnestly they were invited, they would say, *Penulam mihi scindit*, he tore my cloake off my shoulder. Againe on the other-side, when they would shew, how easily the guest was intreated they would say *Illius ego vix tetigi penulam, tamen remansi*. Before the guests sate downe, their shooes were vsually pluckt off, that they might not foule the beddes, on which they did ly<sup>l</sup>.

<sup>l</sup> *Terent. in Meautont.*

*Accurrunt servi soleas detrahunt,*

*Video alios festinare, lectos sternere, cenam parare.*

<sup>m</sup> *Cæsar. Rhod. 27, c. 26.*

<sup>n</sup> They likewise did gird their heads with fillets and haire-laces, as often as they intended to drink more then ordinary, thereby to prevent the vapours, which otherwise would annoy the head: for which reason, they did likewise use garlands of Ivy, and nettle-tree, and roses; the coolenesse of which comforted the braine. These garlands were also *Symbolum plene libertatis*, a token of their full liberty. The carver in these feasts, was called from his artificiall setting and ordering the dishes vpon the table *Structor*; & from his artificiall caruing and cutting vp of the dishes, *Carpenter*. *Tryphærus*, as appeareth by *Iuvenal. Satyr. 21.* was famous for his skill in caruing: he did set vp a schoole, teaching such as came vnto him by rules and precepts; and also shewing them the manner

<sup>n</sup> *Plin. 16, c. 1.*

manner of caruing: which that he might the better do, he furnished a table with severall dishes of meat, formed and fashioned in wood, with a dull knife, shewing his scholars after what manner, and with what gesture of their body, they should cut vp this or that dish. This supper, because of the wooden dishes of meat, was called *Cæna vimeæ*. They divided their supper vsually into three parts, which they termed their first, second & third course. In the first course commonly was serued mulberies, lettices, sausages, & alwaies egges: as likewise in the last course (whether the second or third) were serued, nuts, figs, grapes, but alwaies apples: whence we say proverbially, *Ab ovo ad mala*, from the beginning of the feast to the end; or simply, from the beginning of any thing to the end thereof. The middle course, was the maine supper, and the chiefe dish thereof was called *Caput cænæ*: In *Lipsum* his phrase, it is called *q Fundus & fundamentum cænæ*. Their first messe they called the *proæmium*; the last the *epilogue*, which because it consisted so much of sweet and delicious meats, hence did they apply that vnto the second course, *ai δὲ τὸ ἐπὶ τῇ δευτέρῃ, οὐκ ἔστιν ἐπὶ τῇ τρίτῃ, id est, Secunda cogitationes sunt sapientiores*. If the table were well furnished with plenty and varlety of dishes, it was called *Cænarecta*, or *cænadubia*: *Recta*, in this place signifieth as much as *vera*: thus *ἡ δὲ* among the *Græcians*, sometimes signifieth *verus & sincerus*. The phrase intimateth, that it was a true supper, opposed to that dole of meat distributed by princes to the people which from the panier or basket, in which it was brought, was called *sportula*: sometimes they distributed money instead of meat: this also was named *sportula*: so that *sportula* denoted any kinde of dole either of meat or mony, which as often as it was given in lieu of a supper, it was opposed to *cænarecta*. Yea sometimes by *sportula* wee may vnderstand a light and short supper.

*Promissa est nobis sportula, recta data. Martial.*

The reason why a great feast should be tearmed *cænadubia*,

Stuk. de  
conv. l. 3. c. 3.

Pancirolli,  
lib. rer. de per-  
dit cap. de cibi  
capiendi mo-  
do.

q Stuk. l. 3. de  
conviv.

Turneb. adv.  
lib. 5. cap. 10.

is, because in such variety of dishes, the guest is many times doubtfull of which to beginne. Contrary to this is *cana ambulatoria*, a supper where one dish walketh through the table.

LIB.





## LIB. 3. SECT. I.

*Of the Roman Assemblies.**De Comitijs.*

Ither.vnto haue wee insisted vpon the description of the most remarkable parts of the *Roman* city, together with the severall divisions of the *Roman* people, as also the *Roman* religion; where wee haue seene the generall divisions of their Gods & their sacrifices, with their ceremonies therevnto belonging, and likewise of the *Roman* games both greater and lesse. Now are wee to proceed to that part of government, which is politicall or civill: where wee will first speake of their assemblies called *Comitia*; then of their civill magistrates, afterwards of their punishments, and lastly of so many of their civill lawes, as I haue observed needfull for the vnderstanding of *Tully*, and that principally in his Orations. For the more easie conceaving of all which I haue præfixed one Chapter of the *Roman* yeare, treating there; of the *Calends*, *Ides*, and *Nones*, the knowledge of which is needfull for that which followeth.

CAP.

## CAP. I.

## De Anno &amp; partibus eius.

**I**Nasmuch as there cannot be a full knowledge of the Ro-  
man assemblies, without some generall vnderstanding of  
the Roman yeare, and the generall distinctions of the Ro-  
man daies, it cannot be but worth our labour in this short  
chapter, briefly to consider what may bee spoken therein.  
This word *Annuus*, is so called *quasi Annulus*, because (as the  
Greeke word *ἑνιαυτός* signifieth) *ἑνὶ αὐτῷ ἔτει*, id est, in se con-  
vertitur annus: which was the reason, why the Egyptians in  
their mysticall cyphers (called *litera hieroglyphica*) did use  
the picture of a serpent, hauing his taile in his mouth, to sig-  
nify an yeare. The time or space of this yeare hath beene di-  
uerse, according to the diversity of nations.<sup>a</sup> Some allowed  
no more daies to an yeare, then we doe to a month, whence  
that monthly space which the Latines called *Mensis* from  
*μῆν*, signifying the Moone, they called *Annum Lunarium*.  
Some allowed foure months, some six months, some tenne.  
And thus *Romulus* measured his yeare, counting the months  
either from the number of our fingers, or from the time that  
a woman goeth with child, or from the time that a widdow  
commonly mourned for her husbands death, or lastly from  
the multiplication of vnities which in a simple number doth  
not exceed ten.

<sup>a</sup> Vid. Plin lib.  
7. cap. 48.  
<sup>b</sup> Paulus Mar.  
in Ovid Fast.  
lib. 1.

*Quod satis est utero matris dum prodeat infans,*

*Hoc animo statuit temporis esse satis.*

*Per totidem menses a funere coniugis uxor*

*Sustinet in viduâ tristitia signa domo. Ovid. fast. lib. 1.*

*Annuus erat, decimum cum Luna receperat orbem,*

*Hic numerum magno tunc in honore fuit:*

*Sen quia tot digitis per quos numerare solemus,*

*Sen quia bis quino famina mense parit,*

*Sen*



*Sen quod ad usq; decem numero crescente venimus,  
Principium spatij sumitur inde novis. Ovid. Fast. lib. 3.*

Thus *Romulus* his year contained of months ten; of dayes  
304. But after this *Numa* added two months,

*At Numa nec Ianum, nec avitas praterit umbras.*

*Mensibus antiquis addidit ille duos. Ovid. lib. 1. Fast.*

*Numa*,<sup>c</sup> or as some say, *Tarquinius Priscus* perceiuing that  
the months did not alwaies fall out alike every year; but  
sometimes the same month would happen in the summer,  
sometimes in the winter, thereupon after long study and ma-  
ny instructions from the *Grecians*, finding the reason of this  
confusednesse, he added vnto *Romulus* his year fifty dayes,  
so that the whole year afterward was diuided into twelue  
months; because the moone had finished her course twelue  
times in that space; beginning their year then at January:  
because then in his iudgement was the fittest time to beginne  
the year, when the sun being farthest from vs, did beginne  
to turne his course, and to come vnto vs againe; which is a-  
bout January, the sunne being about the Tropicke of Capri-  
torne. Afterward vpon a superstitious conceit of the odde  
number, *Numa* added one day more vnto January, so that  
whereas at the first *Numa* his year did agree with the *Gre-  
cian* year, both of them containing three hundred fiftie  
four dayes; Now the *Roman* year contained three hundred  
fiftie five dayes, which computation falling out too short for  
the true year by the space of ten dayes, and six houres year-  
ly, it occasioned every eighth year in the Interposition of  
3. whole months, which they called their leap-year:<sup>d</sup> This  
cōfusednesse afterward *Iulius Caesar* by long study remedied,  
adding the odde ten dayes vnto *Numa Pompilius* his year.  
And lest the odde six houres might at last breed disorder  
in their computation, he appointed that every fourth year  
whole day should be inserted, next after the three and twen-  
tieth of February; which inserting they called *Intercalatio* frō  
an old verbe *Intercalo*, & that day they called *Intercalarem*,

<sup>c</sup> Vid. George.  
Merulam in-  
orat, pro Q.  
Ligario.

<sup>d</sup> G. Merula  
in orat, pro  
Q. Ligario.

R

Now

e G Merulain  
orat. pro Q  
Ligat.

f Rosin. ant.  
Rom. lib. 4.

j Hubert. l. 3.  
epist. fam. 18.

g Suet. Octav.  
Aug. c. 87.

Now the day following being the foure and twentieth of Februarie, was alwayes the sixt of the Kalends of March, & therefore because of the interposition of that day, they called the leap-year *Annum bissextilem*, that is, the yeare where in their fallied out two dayes, which they called *Sext. Calend. Martij*. And the day thus interposed, was called *dies bissextus*. This computation, which *Iulius Caesar* found out, wee haue embraced, and doe at this day follow, calling our yeare *Annum Iulianum*,<sup>f</sup> and *Annum magnum*, hauing relation to the monthly yeare called *Annus Lunaris*; & sometimes this great yeare is called, *Annus vertens*, a *vertendo*, because it is alwayes turning, and running on. † Moreouer we must remember, that the Romans did begin their yeare at March; whence that month, which since hath beene called *Iulius* in the honour of *Iulius Caesar*, was by them called *Quintilis*, because it was the 5. month: and that month, which since hath beene called *Augustus*: in the remembrance of *Augustus Caesar*, was by them called *Sextilis*, because it was their sixt month. Thus then the great yeare being diuided into twelue months, euery month was diuided into three parts, *id est*, *Calendas*, *Nonas*, and *Idus*. The *Kalends* were so proper vnto the *Romans*, that *Augustus Caesar*, when he purposed neuer to doe what he was requested, was wont by way of pro-verb to say, that he would doe it *Ad Calendas Gracas*, that is to say in our English prouerb, *At latter Lammas*, never. For the better vnderstanding of which, I shall insert three common verses.

*Principium mensis nostri dixere Calendas:*

*Sex Mains Nonas, October, Iulius, & Mars,*

*Quatuor at reliqui: tenet Idus quilibet octo.*

That is, the first day of euery month is called the *Kalends* of that month. The 2. 3. 4. 5. 6. and 7. of these foure months, May, October, Iuly, and March, were called the *Nones* of that month: but in all the other months the *Nones* contained but the 2. 3. 4. & 5. day: so that the fift day (for example sake

fake) of Ianuary was called *Nona Ianuaria*, or *Ianuarius*, the fourth *Pridie Nonarum*, or *Nonas Ian.* (For they used alwaies to say *Pridie Cal. Pridie Nonar.* and *Pridie Idum*: in steed of *secundo Cal. Non. Id.*) The third day of Ianuarie, they called *tertium Nonarum, vel Nonas Ianuar*; the second day of Ianuary they called *quartum Nonarum, vel Nonas Ianuar*. After the Nones followed the Ides, which contained eight dayes in every month, so that the 15. day of the foure aforesaid months, were called *Idus Maij*, *Idus Octob.* *Idus Iulij*, and *Idus Martij*. In all the other months, the 13<sup>th</sup> day was the Ides: as to proceed in Ianuarie, the thirteenth day was called *Idus Ianuar.* the twelfth *Pridie Idum, vel Idus Ianuar.* The eleuenth *tertio Idum*, or *Idus Ian.* the tenth *quarto Idum, vel Idus Ian.* the ninth 5<sup>o</sup> *Id. Ian.* the eight 6<sup>o</sup> *Id. Ian.* the seauenth 7<sup>o</sup> *Id. Ian.* the sixth 8<sup>o</sup> *Id. Ian.* After the Ides then followed, the Kalends of the next month. As the fourteenth of Ianuarie was *decimo nono Calendarum*, or *Calendas Februar.* the fifteenth *decimo octavo Calend. Febr.* the sixteenth *decimo septimo Cal. Febr. &c.* Where wee must note that as often as we vse *Pridie*, *tertio*, *quarto*, or any of those numerals with an accusatiue case, as *pridie Calendas*, &c. the *Grammarians* say that this preposition *Ante* is eclipsed; Againe every month had in its compasse three great markers, which because they were obserued every ninth day, were called *Nundina*, and the latter of them being the greatest is called by *Athenaus* *τρίτη νυνδία*, which we may render *Trinum dinum*, or *Trinum nundinum*. It followeth now that I should treat of the dayes, which are the lesser parts of the year: where before we proceed, we will consider the parts, which the *Romans* diuided their day into.

Dies Civilis, continet	Lucē, eius partes sunt	<i>Diluculum.</i> The breake of day.
		<i>Mane.</i> The full morning.
		<i>Admeridiem.</i> The fore-noone.
		<i>Meridies quasi Medidies.</i> Mid-day, or quasi
		<i>Merus dies.</i> Perfect day, Noone.
		<i>De meridie.</i> After noone.
		<i>Solis occasus.</i> Sunne setting.
		<i>Crepusculum,</i> The duske of the euening.
	Noctem, cuius partes sunt	<i>Prima fax,</i> Candle-tining.
		<i>Vesper.</i> The night.
		<i>Concubium.</i> Bed-time.
		<i>Nox intempesta.</i> The first sleepe.
		<i>Ad mediam noctem,</i> Towards mid-night.
		<i>Media nox,</i> Mid-night.
		<i>De media nocte,</i> A little after mid-night.
		<i>Gallicinium,</i> Cock-crowing.
		<i>Conticinium.</i> All the time from cock-crow-
		ing to the breake of day.

The day and night againe were each of them diuided into *primam, secundam, tertiam, & quartam vigiliam*, every watch containing three houres. The first of the night began at six of the clocke in the euening and the fourth ended at six of the clocke in the morning. These watches were distinguished by seuerall notes and sounds of Cornets, or Trumpets, that by the distinction and diuersitie thereof, it might easily be knowne what watch was sounded. Moreouer wee must vnderstand that the *Romans*, vpon a superstitious conceit & obseruation of misfortunes and euill euents falling out on some dayes, and more happy succeſſe vpon others, haue called the former sort of dayes *Astros dies*, or *dies poſtriduanos*, & *Aegyptiacos*: *amopdas*, *Graci nuncupant*, perinde ac si *nesandos dicas*. The reason why they were called *Poſtriduanus* was because they thought *Dies Poſtridie Calendas, Nonus, & Idus*, id est, The next day after the Calends, Nones, & Ides, of euery moneth to be vnfortunate; & the latter sort they called *Albos*

*Albas dies*,<sup>h</sup> borrowing the names from the *Scythians*, who<sup>b</sup> Vid. Erasmi. Adag. vnione  
vied to chalk out the fortunate dayes in their Kalenders with  
white Characters, whence *Horace* saith :  
signature,

*Cressa non careat pulchra dies notâ.*<sup>1</sup>

Other some, as their vnfortunate and vnluckie dayes, were  
noted with a coale or blacke character, according to that,

*Nigro carbone notatus.*

Againe their Kalender distinguished some dayes for Holy-  
dayes, which they called *Dies festos*, festiuall dayes, or *dies Fe-*  
*riatos*, & *Ferias*, Holy dayes, <sup>i</sup> because they did vpon such<sup>i</sup> Ascensius in  
dayes *Ferre victimas*, *id est*, offer vp sacrifices. Others were<sup>epist. 3. illust.</sup>  
distinguished for working dayes, which they called *Profestos*<sup>vir. lib. 2.</sup>  
*quasi procul à festis*. The third distinction was of halfe holy-

dayes, which *ab intereido*, they called *Dies intercisos*, as it  
were dayes cut asunder: the one part of them being allotted  
for worldly businesse, the other for holy and religious exer-  
cises. <sup>k</sup> The *feria* were either *pruata*, and so they belonged <sup>k</sup> Rosin. ant.  
sometime to whole families, as *Familia Claudia*, *Emilia*,  
lib. 4. c. 3.

*Iulia*, &c. Sometimes to priuate persons, as euery one his  
birth-day, particular expiations, &c. or else they were *Publi-*  
*ca* such as the whole common wealth did obserue: and they  
were of two sorts, the one called *Anninersaria*, which were  
always to be kept on a certaine day, <sup>1</sup> and thereupon they <sup>l</sup> Alex. Gen-  
were called *ferie statina*; the other *conceptina*, which were  
dier, lib. 5. c. 7.  
arbitrary, & solemnized vpon such dayes as the Magistrates  
and Priests thought most expedient, whereof the *Latina Fe-*  
*ria* were chiefe: which *Latina Ferie* were kept on mount  
*Albano* to *Iupiter Latiar*, for the preservation of all the La-  
tine people in league and confederacie with the *Romans*,  
and were solemnized in memorie of the truce between those  
two nations. Those *Feria* which were called *Imperativa*,  
and <sup>m</sup> *Indictiva*, because the *Consul*, *Prator* or chiefe *Ponti-*  
fic, according to their pleasure *imperabant*, & *indicebant has*,  
dier, lib. 6. c. 7.  
*id est*, commanded them, may in my opinion be contained  
<sup>n</sup> Seru. *Æneid.*  
vnder that number of *Feria conceptiva*, in respect of the vn-  
lib. 11.



o Carminum  
lib. 2. Ode. 13.

p Ioach. Ca.  
merat. pro  
Flacao.  
q Berman. in  
suis andor. in  
Rom. Calend.  
ad finem. Ov.  
Fast.

certaintie of them. Another distinction of dayes is found in the Roman *Kalender*, to haue beene in *Fastos*, whose court or i-et daies; *Ex parte Fastos*, Halfe court. daies; *Nefastos*, Non-leet-daies; though this word *Nefastos* be often expounded vnluckie, as in that of *Horace* touching the tree *Ille & nefasto te posui die*, that is, Hee planted thee in an vnhappy time. These daies were called *à fando*, from speaking; because vpon those daies which were *Fasti*, the *Prator* or *L.* chiefe Iustice might lawfully keepe court and administer iustice, which was not done without the speaking of these three words, *Do, Dico, and Addico*; *P Dabat actionem dicebat ius*; *Addicebat tam res quam homines*. Where by the way we must note, that sometimes these court-daies were also called *dies comitiales*, because that vpon euery such day which was noted in the *Kalender* for a comitall day, if the publique assemblies were not held, it was lawfull to keepe court: whence not onely *comitiales dies* doth signifie a law-day, but *comitalis homo* also doth signifie a wrangler in the law, or a litigious person.

## CAP 2.

*De comitijs idq. Calatis præcipue, de Rogationibus,  
& antiquâ scribendi ratione.*

**E**Very assembly of all the *Romane* people being called together by a lawfull Magistrate to determine any matter by way of giuing voyces, is *à cocundo* termed *Comitia* simply, without the adiection of any other word; or *Comitia calata*, that is assemblies called together, from *καλέω* or the obsolete Latine verbe *Calo*, which signifieth to call: though afterward those assemblies onely, which were held either for the inaugurating of some Pontify, some *Augur*, some *Flamen* or him that was called *Rex sacrorum*, or for the making of their wills & testaments, were called *Calata comitia*.  
Whence

Whence the will that was made in these assemblies was called *Testamentum calatis comitijs*. This kinde of assembly is sometimes called *comitia* <sup>a</sup> *pontificia*, and *comitia sacerdotum*, <sup>a</sup> Ioan. Tiftinus in orat. pro Caelio, in that sense as others are called *Consularia*, or *Adilitia comitia*; namely because the Pontifices in these, as the Consuls, and *Adiles plebis* in the others, were chosen. There followeth three others kinds of assemblies: for either the people did assemble themselves by parishes, called *Curia*; or by hundredths, called *Centuria*; or by wards, called *Tribus*. The first sort of assemblies they called *comitia Curiata*, the second *comitia Centuriata*, the last *comitia Tributa*. <sup>b</sup> Where by the way we must note, that that thing which was determined by the *maior* part in any parish, hundredth, or ward, was said to be determined by that whole parish, hundredth, or ward and that which was determined by the *maior* part of parishes, hundredths, or wards, was said to be approued *comitis Curiatis, Centuriatis, vel Tributis*. Secondly we must note, that neither children: vntill they were seueenteen yeares old, nor old men after the sixtieth yeare of their age, were allowed to suffrage in these assemblies, whence arose that adage. *Sexagenarij de ponte deijciendi*: <sup>c</sup> & old men were hence called *Depontati*, for the explication of which see before. Here before wee speake of those three seuerall kinds of assemblies, wee will consider the manner of their proceedings in propounding cases vnto the assemblies. <sup>d</sup> The custome was at first, that the Romans should bestow their suffrages *Viva voce*, but afterward that euery one might with freer liberty giue his voice, they commanded certain wooden tables, wherein the names of those that stood for offices were written, to be carried about, euery suffrager receiuing so many tables, as there were suitors: then did the people giue back that table with whom they would suffrage. But if a law were to be enacted, then euery suffrager receaued two tables, in the one of which were written these two great letters V.R. in the other was written a great Roman A. Those who deliuered these tables vnto the

<sup>a</sup> Ioan. Tiftinus in orat. pro Caelio,

<sup>b</sup> Sigon. de iur. re Rom. lib. 1. c. 17.

<sup>c</sup> Pars putat ut ferrent iuuenes suffragia soli: Pontibus infirmos precipitasse sentes Ov. Fast. d Philip Beroaldus in orat. Phil. 11.

the people, did stand at the lower end of those bridges (which were erected vp for the suffrages to ascend vnto the *ovilia*) whence they were called *à diribendo*, *id est*, from distributing *Diribitores*. At the other end of the bridges were placed certaine chests or little coffers, into which the suffragers which did approue the law did cast in the first table; those that disliked it, did cast in the second, for by those two letters V. R. which were written in the first, is meant *Uti rogas*. i. Be it as thou hast asked, this word *fiat* being vnderstood. By A in the second table was meant *Antiquo*, *id est*, I forbid it, the word, signifying as much as *antiquum volo*, I like the old law, I loue no innouations. The tables being thus cast into the chests certaine men, appointed for that purpose in manner of Scrutators (they called them *Custodes*, and sometimes *Neu genti*) did take the tables out of the chests, and so number the voices by making so many points or pricks in a void table, as they found tables alike: which kinde of accounting occasioned these and the like phrases; *Suffragiorum puncta non tulit septem*, and *Omne tulit punctum*; where *punctum* is vsed for *suffragium*. The voices being thus numbred, it was pronounced by the common crier what was decreed. Because the vse of those tables is now growne quite out of vse, I shall make bold to insert that, which with much labour I haue collected out of seuerall authors touching these tables. It is certain that a long time the vse of paper was not knowne, whence men were wont to write sometimes vpon the inward rindes of trees, called in Latine *Libri* (so that to this day we call our bookes *Libri*, because in old time they were made of those rindes of trees,) sometimes they did write in great leaues made of that rush *Papyrus*, growing in *Aegypt*, from which we haue deriued our English word *Paper* & the Latin word *Papyrus*, now signifying our writing paper. Shortly after the inuentio of this *Aegyptian* paper, *Ptolomy* the King of *Aegypt* restrained the common making thereof, because of the great emulation betweene him and *Eumenes* King of *Pergamus* concer-

Plin. l. 33. c. 2.

Plin. lib. 13.  
cap. 11.

concerning their libraries; not long after therefore *Enmenes* hauing found out the making of parchment, hee made vse thereof in writing, and called it from the place *Pergamena*. At this time did the *Romans* vse to write in tables of wood, couered with wax, called in latine *cerata tabula*. They wrote their wills & testaments in tables <sup>b</sup> *Hinc secundum & contra* <sup>b</sup> P. Pellitar. *tabulas bonorum possessio*; The possession of goods either according or against the testator his will. Because of the wax <sup>A. Caccinna.</sup> wherewith these tables were covered, *cera* is often vsed in the same sense, as *Heredes prima cera, id est prima tabula, & in primo gradu instituti*; by which words I thinke are vnderstood such heires as <sup>c</sup> *Alexander* calleth *Heredes ex toto asse*, <sup>c</sup> Alex. Gen. that is, heires to the maine inheritance, opposing them to <sup>dier. l. r. c. r.</sup> those which did receiue only legacies, whom he called there *Heredes in 2<sup>a</sup> cerâ, secundos heredes, & legatarios.* <sup>d</sup> *Sylvius* <sup>d</sup> Fr. Sylvius. not vpon improbable grounds doth thinke, that *Tully* doth <sup>pro Cluentio,</sup> vnderstand by *Heredes secundi*, such heires as were nominated to succede the chiefe heire or heires if they died. They wrote their accounts in tables; hence *tabula accepti & expensis*, signifying reckoning bookes. These count-bookes were of <sup>e</sup> two sorts, some monthly, without order or method called <sup>e</sup> *Cœl. Rhod. Adversaria. Quod aduersa parte etiam scriptis implerentur.* <sup>lib. 12. cap. 21.</sup> Others perpetuall, being the transcript of the forme, called *Tabula accepti & expensis*. They wrote their statutes also in tables, whence *Tabula publica*, are englished statute-bookes or rather books of record. Those writings or instruments which the Senate or Emperour caused to bee hanged vp in the market-place, to release and discharge any bankrupt from paying his debts, they termed *tabulas novas*, wee may <sup>f</sup> Fr. Sylv. in. english them letters of protection. They wrote their inventories of goods set at sale in tables, calling them *tabulas auctionarias*; yea they indited their epistles and common letters in tables; in somuch that *tabella* are expounded missiue <sup>g</sup> Suidas in. letters, and *tabellarius* which properly signifieth a carrier of voce orat. Catalin. tables, is now vsed, to signifie a letter-carrier; yet they <sup>h</sup> some- <sup>μυλὺβλῶ-</sup> times

<sup>b</sup> Sueton.  
Nero. 20.  
<sup>i</sup> Plin. l. 13. c.  
11.

<sup>4</sup> Fr. Syly. in  
orat. Catil. 3.

<sup>1</sup> Hist. l. pl. c.  
<sup>1</sup> Plin. l. 13. c. 4.

<sup>m</sup> Cic. 4. in  
Verrem.  
<sup>n</sup> P. Pellitar.  
in orat. pro  
A. Caccinna.

<sup>o</sup> Vid. Erasmi.  
Adag.

<sup>p</sup> Herman.  
Hugo. de pri.  
ma scrib. o. 12.  
cap. 9.  
<sup>q</sup> Cic. orat.  
cont. Catil.

times wrought also in plates of lead, <sup>o</sup> *οἱ ἀρχαῖοι μολύβδῳ γράψουσιν*; And thus wee may vnderstand what <sup>h</sup> Suetonius meaneth by *charta plumbea*; concerning all these, <sup>i</sup> Pliny writeth excellently; before the vse and making of paper was invented; men wrote at first in palme-tree-leaves, afterwarde in the rindes of certain trees, afterward publike monuments were recorded in volumes or roles of lead, at last privat matters on fine linnē or wax. <sup>k</sup> The māner how they sealed their letters was thus: they did binde another table vnto that wherein the inditement was, with some strong thred, sealing the knot of that thred with wax, whence Cicero saith *Linum incidimus*, that is, we opened the letters, hence also is that of Plautus, *Cedo tu ceram ac linum: age, oblige, obfigna esto*:

<sup>1</sup> The impressiō was commonly their owne image, or the image of some of their ancestors. The matter on which the impressiō was made, was not alwaies waxe, but sometimes a kind of tempered chaulke, which occasioned that phrase of Tullies, <sup>m</sup> *Signum ille animadvertit in cretula*. <sup>n</sup> Lastly they wrote their bookes in tables, whence fro thē we doe at this day call our bookes *codices à caudicibus*, *caudex* signifying properly the trunke or stocke of a tree, whereof these tables or books were made. We must note withall that they wrote not with inke or quill, but with an instrument of Steele; or iron, hauing <sup>o</sup> a sharpe point at the one end, & being broad, yet keene and well edged at the other, with the sharpe point they did write what they pleased, with the broad end they did scrape out what they had writtē: Whence *Stylum invertere* is to say & vn say a thing, to turne his punch the wrong end downward, as it were to scrape out that which one had formerly writtē. The Romas did afterwarde vse in stead thereof, an instrument made of bone, prohibiting the vse of iron ones, as *Plsodore* noteth by that law, *Ceram ferone cedito*. And as we vse this word *Manu* to signify the writing, it selfe, according to that of <sup>q</sup> Tully, *cognouit manu, & signum suum*:



To in the like sense we vse this word *Stylus*, to signify the peculiar tenure or straine of phrase, which any man obserueth in the composing of an oratio, epistle, or such like; in which sense Tully vseth it, as the antitheton to *gladius*, in that speech of his, *Cedat forum castris, otium militia, Stylus gladio*, though in another place he vseth it to signify, if not a sword, yet a pocket dagger, as *Et si mens ille stylus fuisset*; in which place *Stylus* doth signify as much as *pugio*. And here seeing wee are fallen into the manner and custome of ancient writings, it will not bee amisse to note that vsually at the end of their books they printed a little marke, which they tearmed *Coronis*. Those that interpret *Aristophanes* describe that marke thus, saying that it is *Linea brevis ab inferiore parte flexa*. All agree in this, that it was some common & kuowne dash, vsually subioyned to the end of bookes: others are of opinion that the ancient *Romans* did in like manner adorne the frontispice, or beginning of their bookes, with the picture of an halfe moone, which observation giveth light not only to that adage *ἄρχῆς μὲν καὶ τέλος*, From the beginning to the ending. But also that of *Martial*, lib. 10.

*Si nimius videor: seraque coronide longus*

*Esse liber, legito pauca, libellus ero.*

And of *Ovid*.

*Candida nec nigra cornua fronte gerat.*

For in *Turnebus* his judgement those halfe moones prefixed, were called *Cornua*. Howsoeuer this may bee true touching the dash, or character at the end of a booke, and that it was tearmed *Coronis*: yet I doubt whether any such halfe moone was vsually prefixed in the beginning of bookes, or whether such an halfe moone were denoted by the Latine word *Cornu*: more probable in his opinion, who treating of this very matter, saith, that in old time a whole booke was written one continued page, neither did they the cut their books into many leaues, & bind them vp in that manner as we doe; but that one entire page in which alone the whole book was

Cic. orat.  
pro Muræ.  
Mic. Toxic.  
in orat. Phil.

Coel. Rhod.  
lib. 15, cap. 20.  
Turn. adv.  
lib. 22, cap. 10.

Pir. hierog.  
lib. 34.

written, was wont to be roled vp vpon a staffe fastned at the end thereof, in māner as many large mappes are now adaies with vs. Hence it is *à voluendo*, that we call our books, *uolumina*, Volumes; this staffe on which the booke is roled was called *Vmbilicus*, the same word signifieth a navill, which becauē it is the middle part, and as it were the center of a mans body, hence approved authors vse the word to signify the middle of any thing; and happily that name was first giuen this staffe, becauē when the booke was roled vp, the staffe was the middle thereof; howsoeuer becauē it was fastned alwaies at the end of the page, hence *Vmbilicus*, especially when it is applied to a booke, signifieth the end thereof; as *Horacē*, *Ad vmbilicum ducere*: to bring to an end the two pummels, or ends of this staffe, which did iut out & appeare on each side of the volume, they called *Cornua*, & they were wont to be tipt with siluer or gold, or otherwise adorned. The title which was the beginning of every booke, was termed *frons*. This seemeth more probable then that of *Turnebus* his, and giueth greater light to that of *Ouid*,

*Candida nec nigra cornua fronte gerat.*

Now that we may proceed to the matter whence we haue digressed, it remaineth that wee should declare the manner how they enacted their lawes. All the *Romans*, though free Cittizens had not power & authority of preferring the law, but only eight of their Magistrates: which they called *Magistratus Maiores*; namely the *Prator*, the *Consuls* the *Dictator*, the *Interrex*, the *Décūviri*, the *Military Tribunes*, the *Kings* & those *triumviri*. vnto these eight was added one of those who they entituled *Magistratus minores*, namely the *Tribunus plebi*. If any of these Magistrats thought it fit to preferre a law, then did he first write it down at home, & consult with some lawyer, whether or no it might be for the good of the Commonwealth, whether it should not weaken any former law, or whether it was not formerly included in some other law, &c. These and many other cautions were to be considered

dered before it was preferred, yea some would haue the approbation of the whole senate after the advice of their lawyer, though diuerse times that hath beene omitted. And the lawyer alone allowing it, the law was hanged out publicly in the market-place for the space of 3 market-daies, which kind of publishing the law was tearmed, *Legis promulgatio, quasi promulgatio*, during which time of promulgation, reasons were alleaged *pro & con* by the spectators: and all the people had so much time to consult of the cōueniency thereof, and every one vpon iust reason, had freely liberty to admonish him that preferred the law, either to amend it, or to surcease the proposall. After the third market-day (for vnlesse it were vpon an extraordinary occasion, no assembly might be called vpon a market-day, because of the country-folkes businesse, they also hauing freedom of suffraging) the Magistrate did conuocate the people to that place where the law was to be proposed: there the Towne clearke, or Notary reading the law, the common crier proclaimed it then did he which promulged it, make an oration vnto the people, perswading them that it might passe, Sometimes others of his friends would second him with orations in his behalfe; as likewise others that disliked it, would by orations dissuade the people shewing the inconueniency thereof. After the orations had bin ended, an urne or pitcher was brought vnto certaine Priests there present, into which were cast the names of the tribes, if the *Comitia* were *Tributa*; or of the centuries, if they were *centuriata*; of the parishes, if *curiata*: then *sortibus aquatis*, that is, the lots being shakē together they drew their lots; and that tribe or century whose name was first drawne, was called *Tribus, vel centuria praerogativa*, a *praerogando*, because they were first asked their voices. *Turnebus* interpreting that of Tully, *Maiores voluerunt praerogatiuam omen esse iustorum comitiorum*, interprets it; That the *Romanes* did so depend vpon the prerogative Century, that they would alwaies declare him Consul that was cho-

g Rosin. ant.  
lib. 6. cap. 7.

r Cic. pro  
Murzn.

f Huber. in  
lib. 1. Cic. ep.  
fam. 2.

f Fuchsi inst.  
medicin. l. 3.  
sect. 1.

Stadius in  
Flor. l. 3. c. 7.

sen by them. *Turneb. adv. l. 5 c. 23.* That *Curia* vpon which the first lot fell, was called a *Principium*, because that *Curia* did first suffrage those Tribes vpon whom the other lottes fell; namely the second, third, fourth, &c. were tearmed *Tribus Iure vocata*. From this distinction it is, that such a man as hath the voices of the prerogative Tribe, or Century, is said to haue *Omen prerogativum*: which good fortune whosoever could attaine vnto, was in great hope of obtaining the other voices of the *Iure vocata*; for they never or very seldom would swarue from the determination of the prerogative Tribe, or Centurie. While the people were busy in their lottery, in the meane time if any *Tribune* of the Commons would *intercedere*, that is, forbid the proceeding, he might be heard, and the whole assembly therevpon should be dismissed: likewise they were dismissed if either he which first promulged the law did alter his opinion, or if the *Consul* commanded supplications to be offered vp in the behalfe of their Emperour, or any of those holy daies called *Feria latina*, vel *Imperatoria* to be observed vpon that day; or if any of the people assembled were taken with the falling sicknesse (by reason whereof that disease is called by the *Physitians* at this day *Morbus comitialis*;) Lastly, the assemblies were dissolved by reason of the soothsayings, which kinde of dissolution was caused either by the civill Magistrate his observing of signes and tokens in the heauen, and that was called *Speltio*, and sometimes *de calo observatio*; the very act of this observation, though no vnlucky token did appeare dissolved the assembly: or else it was called by the *Augures*, and civill magistrate promiscuously, whensoever any civill token was seene or heard, either by the Magistrate, or Angur (amongst which thunder was alwaies counted the vnluckyest) at which time the assemblies were in like manner to be dissolved: this manner of dissolution was tearmed *obnunciatio*, or *Nunciatio*. *Obnunciabas, qui contra auspicia aliqua fieri nunciabat.* Both these kindes are easily to be collected out of

of that speech in Tully, *Nas Augures nuntiationem solam habemus. Consules & reliqui magistratus etiam spectationem.* Here we may fitly in way of conclusion vnto this tract, adde a just difference to be obserued betweene these phrases, *Promulgare, Rogare, Ferre, & Figere legem.* *Promulgare legem*, was to hang vp a law not yet asked, to the publike view of the people, to be examined by them touching the conveniency thereof. *Rogare legem* was to vse a certaine oration vnto the people, to perswade the conveniency of the law, which Oration because it began with this forme of words, *Velitis iubeatisne Quirites?* that is, O yee Romans, is it your will and pleasure that this law shall passe or no? Hence was it tearmed *legis rogatio.* *Ferre legem*, was when the law had beene approued of by the people, then to write it downe vpon record, & so to lay it vp into the treasure-house; *Cum approbata fuisset lex, in as incidebatur, & in arario condebatur, & tunc demum lata dicebatur.* Lastly *Figere legem*, was to publish the law after it had beene approued & recorded, by hanging it vp in tables of brasse in their market-places, or at their church dores: Hence it is that we vse *Takulum figere* in the same sense, namely to enact or establish a law, and *Refigere legem*, to disproue or cancell a lawe. And that which was determined *Comitijs curiatis*, was tearmed *lex curiata*; that which was *Comitijs centuriatis*, *lex centuriata*, that which was *Comitijs tributis*, was not called a law, but *Plébiscitum*.

## CAP. 3.

## De comitijs Curiatis.

**C**omitia Curia were those, wherein the Roman people being divided into thirty parishes did giue their suffrages: They were so called from *Curia* signifying a parish. And vntill *Servius Hostilius* his time, who did first institute the *comitia centuriata*, all things which were determined



mined by the suffrages of the people, were determined by these *curiata comitia*. But after the other two sorts of assemblies had beene established, these *curiata* were vsed only either for the enacting of some particular lawes, or for the creating of some certaine priests called *Flamines*. For the better vnderstanding hereof we must remember that though at first these thirty parishes were parts of the three Tribes (each tribe being divided into ten parishes,) yet in proesse of time the increate of the *Roman* people was such, that a great part of the *Roman* fields were filled with buildings and places of habitation, in somuch that the tribes of the *Romans* were encreased to thirty five: but the parishes (because none that dwelt out of the city were tied to the rites and ceremonies of the *Roman* religion) did not encrease, so that the parishes did not alwaies remaine parts of the tribes. Hence it followeth that all the *Romans* had not power to suffrage in these assemblies, but those alone, who dwelt within the City: for no other could be of any parish. The place where these assemblies were held, was the great hall of Iustice, called from these assemblies *Comitium*. Before these assemblies were held, it was required that some lawfull magistrate for some competent time before hand should solemnly proclaime them, and the thirty sargeants (each parish hauing for that purpose his serjant) should call the people together; as likewise three *Augures*, or at least one should be present to assure them by their observations, either of the fauour, or displeasure of the Gods. Vpon these premises the matter was proposed vnto the People, who if they liked it, then they proceeded vnto their election; if otherwise they disliked it, then did the *Tribunus plebis intercedere*, that is, forbid their proceedings: wherevpon their assemblies were presently dissolved.

## CAP. 24.

## De Comitibus Centuriatis.

**A**S those former assemblies were called *Curiata à curijs*, so were these called *Centuriata à Centurijs*. *Servius Tullius* caused a generall valuation of euery citizens estate throughout *Rome*, to be taken upon record, together with their age: and according to their estates and age, he divided the *Romans* into six great armies, or bands, which he called *Classes*; though in truth there were but five of speciall note: the sixth contained none but the poorer sort, and those of no worth or esteeme. The valuation of those in the first *Classis* was not under two hundred pounds, and they alone by way of excellency were rearm'd *Classici*: and hence figuratiuely are our best and worthiest authors, called *Classifici scriptores*, *Classicall authors*.<sup>d</sup> All the others, though they were enrolled in the second, third, or any other *Classis*, yet werethey said to be *Infra classem*. The valuation of the second band was not vnder seauenscore pounds. The valuation of the third was not so little as an hundred pounds; of the fourth not lesse then forty pounds; of the fift not lesse then twenty five pounds. The sixth contained the poorer sort, whom *Horace* calleth *Tenuis census homines*, men of small substance; and also they were called *Proletarij*, à munere officioque proles edenda, as if the only good that they did to the common weale, were in begetting of children: & sometimes they were called *Capite-censi*, that is such as paid very little or nothing at all towards subsidies, but only they were registered among the citizens, as it appeareth by *Sigonius*. These six great bands or armies were subdivided into hundreths, called in Latine *Centuria*. The first *Classis* contained fourescore centuries of foot-men, and eightene of horse-men; the second contained twenty centuries of foot-men, and two of

d A Gel lib. 7.  
cap. 13.

e Sig. de iure  
Rom. li. 1. c. 4.

T

workmen

workmen, which followed after to make military engins & weapons: the third also, as likewise the fourth contained 20. centuries of footmen, but to the fourth were added two other centuries of Trumpeters, Drummers, and such like, who vpon iust occasion did *Classicum canere*, sound the alarme, & vpon iust occasion did againe *receptui canere*, sound the retreat: the fift *Classis* contained thirty centuries of footmen: the sixt, or last *Classis* contained one centurie: so that in all the sixe *Classes* were contained one hundred fourescore and thirteene centuries. Where we must note that all the centuries of footmen did consist, the one halfe in every *Classis* of the younger sort, who were to make warre abroad vpon the enemies: the other halfe of old men, who remained at home for the safety of the city. All that hath been hitherto spoken of these *Centuriata comitia*, may be collected out of *Sigonius* in the place above quoted. The chiefe commander of every ceturie was called *Centurio*; the rod, or tip-staffe, wherewith he did strike his souldiers to keepe them in aray, was called by *Pliny*, *Centurionum vitis*. So then we may perceave, that those *Centuriata comitia* were those, wherein the people did giue their voices by centuries, or hundreds. Now the centuries did not consist of those alone which had their places of habitation at *Rome*, but of certaine *Municipall* states also; & such colonies or other states, that could a *Plenum civitas* in *urbe* in *re* *suffragij* *adipisci*. Now the custome in old time was that all these centuries should march in their armour after the Magistrate which assembled them, into the *Campus Martius*, there to give their voices. But this custome continued not long: for thereby they did disarme the citie, & give their enemies (if any should assaile them in time of their assemblies) the greater advantage: for their greater security thereof, they appointed a flagge to be hanged out vpon the mount *Ianiculus*, some few armed men standing there in watch and ward for the safeguard of the city: and when the assembly was to be dissolved, then did the watch depart, & the

d Rosin. ant.

lib. 6, cap. 10.

e Rosin. antiq.

Rom. lib. 6, c. 16.

the flag was taken down: neither could any thing after that be determined; but if they continued their assemblies, then did they proceed to the giving of their voices; in old time thus. Those centuries of the first *Classis* being the wealthier had the prerogative of suffraging first, and because this first *Classis* contained more centuries then all the rest, therefore if they could agree among themselves, the other centuries were never asked their voices. This kind of suffraging being somewhat partiall, in as much as the richer & wealthier being placed in the first *Classis*, did overway the elections against the poorer sort of people; thence did the after ages appoint that that century should have the prerogative of suffraging first, upon whom the lot fell. The other centuries were all called *Centuria Lurivocata*, & did give their voices not by lots (as the *Tribus Lurivocata* did) but the elder and wealthier centuries did suffrage next after the prerogative centurie accordingly as their place required.

f Rosin. antiq.  
Rom. l. 6. c. 10.

## CAP. 5.

## De comitijs Tributis.

FOR the better vnderstanding of these assemblies by Tribes, or wards, it will be needful first to learne, that this word *Tribus* in this place doth signifie a certaine region ward, or locall place of the city, or the fields belonging thereunto according to that, *3 Tribus comitia erant cum ex regionibus & locis suffragabantur*. It was so called either à tributo dando, every severall regio or quarter paying such a tribute; or quia primò tres tantum fuerunt, the whole citie being at first divided only into three regions, or wards, each nationall tribe having his severall region or local tribe to dwell in. The first nationall tribe called *Ramenses* did inhabite the mount *Palatine*, and the mount *Celius*, and those two hills made the first locall tribe. The second nationall

g A. Gel. l. 1. c. 1.  
cap. 27.

tribe called *Tatienſes*, did inhabit the *Capitol*, and the *Quirinal* mountains, which two mountaines made the second locall tribe. The third nationall tribe did inhabit the plaine betweene the *Capitol* and the *Palatine* hill; and that plaine was called the third locall tribe. Of these tribes more is spoken in the first division of the Roman people. Only here we must note thus much, that in proceſſe of time after the citie was enlarged, and the number of Roman citizens increased, these locall tribes were also augmented, so that they amounted at the last to the number of 35. Some of them being called *Urbanæ*, others *Rusticæ*; <sup>h</sup> *Urbanæ ab urbis regionibus*, *Rusticæ ab agris partibus evant nuncupata*. And of those two sorts the *Tribus rusticæ* were accounted the more honorable. Moreover we must remember, that a man might be reputed of this or that tribe, although he had no place or habitation therein. Concerning the place where these *Tribus comitia* were had, sometimes they fell out to be in the *campus Martius*, sometimes in their great hall of iustice called *comitium*; sometimes in the *capitol*; many times in other places, according to the discretion of the Magistrate which caused these assemblies.

<sup>b</sup> Sig. de iure  
Rom. l. i. c. 3.

### CAP. 6.

#### De Candidatis.

**I**T shall not be impertinent to annex some necessary observations touching the *Romane* petitioners or suiters for bearing office: where we will observe these three phrases, *ambire magistratum*, *inire magistratum*, and *abire magistratum*. The first signifieth, to sue for an office; the second, to enter into the office; the third to depart out of the office. Again the difference of these phrases, *conficere legitima suffragia*, & *Ex- plero suffragia*. <sup>i</sup> The first signifieth to have so many voices as the law doth require. The second signifieth to have more voices

<sup>i</sup> *Rosin. antiq.*  
Rom. l. 20. c. 6.



voices then any other competitor, but not so many as the law requireth.

These persons were tearmed *Candidati*, à *sogâ candidâ*, from the white gowne which they did weare, as appeareth more at large, where we haue spoken *De Romana toga*. That they might the easier procure the good will of the people, these foure things were expected from them. First *Nomenclatio*, the saluting of euery citizen by his name; for the better discharge of which, they had a certaine follower, which should by way of prompting, tell every citizens name as he passed by, and hence this prompter was sometimes called *Nomenclator*, which word doth properly signifie a common-crier in a court of iustice, such as call men to their appearance, whence they had their name from *Nomen & calo*, an old latine word to call; sometimes *Monitor*, sometimes *Faronator*, *ab infarenda in aures*. Secondly, *Blanditia*, that is, a friendly compellation by the addition of some complementall name, as, well met friend, brother, father, &c. Thirdly, *Affiduitas*, that is an hot canuasing, or soliciting men without intermission. Lastly, *Benignitas*, a bountifull, or liberall largesse, or dole of mony called *congiarium*, from the measure *congius* containing a gallon, because their dole was at the first made of oyle or wine distributed in those measures. Howbeit *congiarium* is any dole, gift, or largesse in mony, or otherwise is called *congiarium*. The distributors of this dole were called *diuiseurs* & *sequestres*, although sometimes *sequester* signified a briber or corrupter of a Iudge. Likewise their bounty or liberality consisted in providing great dinners, and exhibiting magnificent shews vnto the people, &c. Where we must obserue, that as often as this largesse is called *Largitio*, it is taken in the worst sense, namely, for an vnlawfull bribing of the suffragers, vnder a pretended largesse, *Benignitas liberalitatem magis significat quam largitionem*.

Rosin. antiq.  
Rom. l. 7. c. 8.

Cic. orat. pro  
L. Mur.

Mercem ser-  
uum qui distet  
nomina, &c.

Hor. l. i. ep. 6.  
Cic. loco su-  
pra citato.

G. Trapez.  
in Philip. 2.

Sig. de iud.  
lib. 2. cap. 29.

Baith. Lato-  
mus in orat.  
pro M. Cælo.

Cic. orat.  
L. Muræ.

## CAP. 7.

## De Romanis vestibus.

**W**E may observe in reading old authors, that as well the *Romans* as the *Grecians* had diverse distinct habits, or outward vestiments. The *Grecians* had their mantle called *Pallium*; the *Romans* their gowne called *Toga*, and by this different kinde of garment the one was so certainly distinguished from the other, that this word *Togatus* was often vied to signifie a *Roman*, and *Palliatu* a *Grecian*. *Togati pro Romanis dicti, ut Palliati pro Grecis*. Before we proceed, we will first observe what this *Toga* was, and then how many sorts there were. *Toga à tegendo dicta est*. It was made commonly of wooll, but according to the worth and dignity of the person, sometimes of courser, sometimes of finer wooll. As we may collect by that of *Horace*.

--- *Mihi sit toga, qua defendere frigus*

*Quamvis crassa quæat.*---

We must note with *Toxita*, that no women of any credit did weare the *Roman* gowne, but instead thereof did use a garment called *stola* from *stella* signifying *demisso*, *quòd usq; ad talos demitteretur*: whence old Poets, when they would point out unto us an infamous or lewd strumper, they would terme her *mulierem togatam*. \* This *toga* sometimes was worne open and vntuckt; then was it called *toga aperta*: other times it was tuckt vp, and then it was called *toga praecincta*. This cincture or girding up of the gowne was according to *Sigonius* threefold; *Cinctura laxior*, *Astrictior*, and *Cinctus Gabinus*. *Cinctura laxior*, or the loose kinde of girding was such that notwithstanding the tucke, yet the taile trailed on the ground; *Cinctura astrictior* the close kinde of girding was such, that after the gowne had beene lapped

or

f Sigon. de iudic. l. 3. c. 19.

g Mic. Toxita in orat. Philippic. 2.

b Mic. Toxita ib.

i Rosin. aut. Rom.

k Sig. de iud. lib. 3. cap. 19.

l Sig. ib.

or tucked vp, it should not reach so far as the feet. The first kind of these cinctures did argue a remisse, soft, and effeminate minde; the latter did signifie the promptnesse or readinesse of the person; <sup>m</sup> *Unde, Alte pracineli pro expeditis dilti* <sup>m</sup> Sig. ibid. *sunt.* Thirdly, *Cinctus Gabinus* was a warlike kind of girding not so that the whole gowne should be tucked vp about the middle, but that it being cast quite backward, the partie should gird himselfe with one skirt thereof. <sup>a</sup> This kind of <sup>n</sup> *Serv. Æneid* girding was so called from a certaine city of *Campania* called *Gabii*, because vpon a time the inhabitants of this cittie being at sacrifice, were set vpon by their enemies, at which time they casting their gowns behind them, and girding one lappet or skirt about them, went immediatly to warre even from the altars, and got the conquest. <sup>o</sup> In memory of which <sup>o</sup> *Alex. Gen.* euer after, the *Consul* when he should proclaime war, girded <sup>o</sup> *liet. l. 1. c. 14.* himselfe in like manner. Neither had the *consul* alone a peculiar garment when he proclaimed war, but every souldier in time of war did weare a different kinde of garment from the gowne, which they called *Sagum*: we may english a souldiers coat. Whence *Tully* vseth this phrase *ad saga ire*, which *Erasmus* hath paralleld with this. *Ad certamen se accingere*, to buckle for warre. In somuch that *Cedant saga toga*, is equivalent to that of the Oratours. *Cedant arma toga*. Touching the difference of the *Romane* gownes, I find them distinguished by <sup>p</sup> *Sigonius* according as followeth; in *Togam* <sup>p</sup> *Sig. de iud.* *Puram*, *Candidam*, *Pullam*, *Prætextam*, *Paludamentum*, *Pictam*, <sup>3. cap. 19.</sup> *Trabeam*. *Toga pura* was the common ordinary gowne worne by new married women, and *Tanaquil prima texuit relictam tunicam, qua simul cum toga pura tyrones induuntur novæq; nuptæ*, *Plin. lib. 8. cap. 48.* and by private men at mans estate, about the sixteenth yeare of their age, at which time they were said, *Excedere ex ephebis*, that is, to be past stripplings. Notwithstanding the sixteenth yeare was not alwaies strictly without exception observed; <sup>q</sup> for *M. Aurelius* was <sup>q</sup> *Rolin. antiq.* permitted to weare this gowne being but fifteene yeares <sup>lib. 7. cap. 38.</sup> old

old; & *Caligula* did not weare it till the nineteenth yeare of his age. This kinde of gown besides that it was called *Pura*, was also sometimes called *virilis*, sometimes *libera*. It was called *pura* in respect of its pure white colour, being free frō

*Et toga non ta-* all admixtures of purple, or any other colour; and therefore  
*lias vincere ius-* some haue termed it *ἀλβευκον*, all white, others *ἀπὸρρυον*,  
*sa nives Marti.* void of purple. It was called *virilis*, because it was giuen to striplings now growing to mans estate. Whence we use to say of a stripling past 16. yeares of his age, *virilem togam sumpsit*, he is now become a man. Lastly, it was called *libera*,

7 *Rosin, antiq.* because then they did receaue some beginning of freedome  
*Rom. l. 5. c. 31.* as being about that time freed from their schoolmasters, and  
*f Aldus Manu-* overseers. This kind of gowne was not made open, but sowed downe to the bottome, and also it was made without sleeves, so that if at any time they had occasion to use their armes, they would take up their gowne and cast it quite behind them, or vpon their shoulders. But these striplings could not for one whole yeares space, cast back their gowns in that manner for the liberty of their armes without the imputation of immodesty, as it appeareth by *Cicero*, *Nobis annus erat vnus ad cohibendum brachium toga constitutus*. The like liberty it seemeth was denied those that stood for places of office; and thence is it, that *Horace* wisheth such to hire them a seruant

2 *Cic. in orat.*  
*pro Caelio.*

u *Sig de iud.*  
*lib 3. cap. 19.*

--- *Lenum*  
*Qui fodiat latrus, & cogat trans pondera dextram*  
*Porrigere* ---

x *Sigon, ib.*

In which place by *pondera* is vnderstood the Roman gowne, as *Sigonius* hath expounded that place. Now for the vnderstanding of *Toga candida*, wee are to learne a difference betweene this *candida toga*, and the *toga pura* abovespoken of, which is oftentimes called *toga alba*, both of which were white, but differed in the degree of whitenesse. The *toga alba* had only the naturall whitenesse of the wooll; the *toga candida* had an artificiall white die: whereby the glasse of the white was made more orient and intensiue. Or else as *Sigonius*

y *Sigon, ib.*

nus hath observed out of *Isidorus*, *intendenda albedinis causa cretam addiderant*, that is, they chalked it to encrease the whitenesse thereof. And hereunto *Persius* alludeth.

--- *Quem ducit hiantem cretata ambitio.*

Whence *Polybius* calleth it *togam laucam*, that is, shining or splendent. Moreover whereas the *alba toga* was the ordinary Roman gowne which commonly the *Romane* citizens did weare, this *candida toga* was only worne by those which did *ambire magistratum*, sue for a magistracie or place of office, who during the time of their suit were called from their gowne *Candidati*: and *Quintilian* borrowing his metaphor from them, hath called an young student *eloquentia candidatum*. The third sort of gowne which I termed *togam pullam*, was a blacke gowne, and thereof was two severall kindes; the one cole-blacke, which was worne *luctus causa*, in token of mourning and the mourners were thence called *Atrati*, and as often as they did weare this gown, they were said *Mourre vestē*,<sup>2</sup> which phrase in old authors doth signifie nothing else, but to go in mourning apparell: The other not cole-blacke, but only fouled or stained, and that was worne *reatus causa*, in times of arraignment, & those that wore it, were called *sordidati*, a *sordibus in veste*, fro the spots or stains in the gowne. Where we must note, that in proceffe of time *Toga pulla* became the ordinary gowne which the comon people did weare; at which time the ordinary gowne, which the citizens of better place and esteeme did weare, was the *toga candida*: wherevpon there did then grow a distinction of the citizens vnkowne to the former age, saith *Rosinus*, namely that some were termed *candidati*, others *pullati*, *Candidati* were those, not which became suiters for places of office (as in old time it signified) but those which did live in better repute then others, from whence it is, that he whose office was to read the Emperours letters in the Senate was called *Candidatus principis*, or *Quaestor candidatus*. It did somewhat resemble the office of the King his Maiesties chiefe Secretary

2 Sig. de iud. lib. 3. cap. 19. Cic. orat. pro P. Sext. Summ. dolorem veste mutata significabant Romani.

a Fenestella de mag. Rom. cap. 3.



cretary. *Pullati* were those of the commonalty or inferiour sort. The fourth sort of gowne was the *toga prætecta*, so called, *quia es purpura prætecta erat*, because it was garded about with purple filke. This kinde of gowne at the first was vied only by the Roman Priests, & chiefe Magistrats; Neither was it lawfull for such as did weare that gowne to bee arraigned, or sentence to be giuen on them vntill that gowne was put off. In continuance of time this *toga prætecta* was permitted first to Noble-mens children; afterward to all Roman children in generall: wherevpon, *Togatus à prætecto differt, ut privatus à magistratu, & vir à puero*, and *atus prætecta*, is taken for childhood; and *prætectati* sometimes for magistrates, but commonly for young children. The fift sort of gowne was called *Paludamentum*; It was a military garment, which none but the L. Generall of the chiefe captaines did vse to weare: *Isidorus* said it was not only garded with purple, but with skarlet and gold lace, whence it was sometimes called *toga purpurea*, sometimes *soccinea*. It was much like the habit which the *Gracian* Emperour was wont to weare called *Chlamys*; yea now it is called *Chlamys*; we may english it an *Heralds* coate of Armes. The sixt sort of gowne was called *toga picta*, because in it were imbroadered goodly pictures with needle work; it was also called *Purpurea*, not because of any purple gard (in which respect the *prætecta*, and the *paludamentum* were ealled *purpurea*) but because it was all over with a purple die: It was by some rearm'd *toga palmata*, because in it many palme branches being the reward & token of victory were wrought; whence by others it was called *toga triumphalis*, because Emperors in their triumphs did weare such gownes. The last sort of gowne was *Trabea*, whereof there were <sup>b</sup> three severall kinds; the one woven all of purple, which was consecrated vnto the Gods: the secód was purple woven vpon white, and this only kings & *Consuls* might weare, the third was skarlet woven vpon purple, and this the *Angwes* onely did weare. <sup>i</sup> This last sort was there-

<sup>b</sup> Pet. Pellitarius. in orat. pro A. Cæcin.

<sup>c</sup> Alex. Gen. diar. l. 5. ca. 18.  
<sup>d</sup> Sig. de iud. lib. 3. cap. 19.  
<sup>e</sup> Sigon. ib.

<sup>f</sup> Rosin. antiq. lib. 5. cap. 31.  
<sup>g</sup> Sig. de iud. lib. 3. c. 19.

<sup>h</sup> Sert. Eni. lib. 7.

<sup>i</sup> Alex. Gen. diar. li. 5. c. 18.

therefore called *trabea auguralis*, the second *trabea regia*, the first *trabea consecrata*.

C A P. 8.

De Tunica.

**T**Hose coats which were worne vnder the gowne, were called *Tunica*; & that they were worne vnder the gowne it appeareth by that Adage, *Tunica pallio prior est*, that is every one for himselfe first; or according to our english proverb, Close sisterh my shirt, but closer sitteth my skinne. This *tunica* was both narrower and shorter then the gowne: at first it was made without sleeues; afterward with sleeues, and by it, as well as by the gowne were the citizens distinguished. The first sort of coats was made of white cloath commonly, but purfled over and embro- dred with studs of purple in manner of broad nayle heads; whence it was called *Laticlavus*, or *Latus clavus*; and the persons wearing the coat were Senators, called thence *Laticlavus*. The second sort belonged vnto the *Romane* knights, and it differed in making from the first, onely that the purple studs or embroared works of this, were not so broad as the former: whence the coat was called *Angusticlavus*, or *Angustus clavus*, and the persons wearing it were called *Angusticlavus*. The third sort belonged vnto the poplacy and poorer sort of *Romans*; it was made without any purfled workes, being called *Tunica recta*. This coat was given together with the *Virile* gowne to striplings past sixteen yeares old, & to new married women. And as the *recta tunica* was giuen with the *virile* gowne; so was the *tunica slavata* giue together with the *toga praetexta*; & the *Laticlavus* otherwise called *tunica palmata* giue with the *toga picta*. The fourth & last sort belonged vnto women, being a long coat reaching downe vnto the heeles; they called it *Stola*. Vpon it they did weare an outward garment called *pallio*.

(Sig. de iud. lib. 3. cap. 20.

Salmuch in Panciroli, lib. rerum deperdit. c. de fibula. Vide Turneb. aduers. l. 1. c. 3.

m Rosin. Ant. lib. 5. cap. 35.

<sup>n</sup> Sig. deiud.  
lib. 3. ca. 19.

<sup>o</sup> Sigon, ib.

<sup>p</sup> Sigon, ib.

um, and sometimes palla, quia palam gestabatur. <sup>n</sup> Sigonius saith that this palla was a certaine gowne vsed by stage-plai-ers: howsoever certaine it is, that not only women, but men also and children did weare this kinde of garment. Besides the Romane gown & coat there remaine other parts of their apparell to be spoken of: such are these which follow: *Lacerna*, which some do English a cloake, but <sup>o</sup> Festus would haue it to be a little kind of hood, which men should weare to defend themselves from the raine & weather; It was made that either side might be worne outward; and at first it was worn only in warre, so that *lacernati* stood in opposition with *rogati*. <sup>p</sup> Isidorus *togatos pro urbanis*, *lacernatos pro militibus usurpatos scribit*. Afterward as we way coniect, it was made longer in manner of a cloake, for it was diuerse times worne vpon their coats insteede of gownes. Another kinde of garment was the *Pennula*, so called *quasi pendula*, we may translate it a long hanging cloake. A third was called *Mitra*, which sometimes did signifie a certaine attire for womens heads, as a coife or such like; though this kinde of attire was more properly called *Calantica*; other times it signified a girdle, which more properly was called *zona*; This *zona* chiefly signified a souldiers belt; or a marriage girdle: The souldiers belt was lined within in the inside, where whē they went to war, they did put their mony: whence *Horace* saith of a man that hath lost his mony, *zonam perdidit*. And *Quintus*, to be girt, signifieth *Ενδύειν ἅρμα*, *Arma induere*. *Gal. Rhod. l. 22. 19.* happely because that part of the body which was girt, was consecrated to *Mars*, as the forehead was to e-very mans particulars *Genius*, the armes to *Iuno*, the breast to *Neptune*, the reins to *Venus*, the feet to *Alexandrie*, and the fingers to *Minerva*. *Alex. ab Alex. l. 1. c. 19.* Young maides when they were married were wont to haue a marriage gir- dle tied about their middle, which their husband at the first night of their marriage should untie: whence *zonam solvere* hath beene translated to deflowre a Virgine: this marriage girdle

girdle in former times was called *cestus*, from whence cometh the Latine word *incestus*, and the English word *Incest*; which in truth signifieth all kind of pollution committed by vndoing; or vntying this girdle called *cestus*; but now in a more strict acception it signified onely that kinde of naughtinesse, which is committed between two of neere kinne: & that other folly which is committed with a strangers wife, is now properly called *adulterium*; and that which is committed with a maide or widdow *stuprum*. The last thing touching their apparell is their shooes. *Calceamentorum genera duo fuerunt, calceus, & solea*. For the soale of the shooe called in Latine *solea*, sometimes *crepidula*, and in *Cicero* his time *gallica* was tied on to the bottome of the foot with letherne straps or buckles, and so worne instead of shooes: the diuerse kindes of these shooes did distinguish the *Romane* people also. To omit the difference in colours, wee may reduce the chiefe kindes to five heads, *Mullei, Vneanati, Perones, coshurni, Soccii*. All these sorts of shooes were made halfe way vp the legge, as the Turkish shooes are according to *Iosephus Scaliger*: and they were either laced close to the legge, as many of our bootes are now adaies; or clasped with taches or haspes. The first sort called *Mullei* from the fish *mullus*, being like vnto it in colour, were also called from their clasp, *calcei lunati*, because the clasps were made in forme of an halfe moon, which halfe mooned clasp resembling a *Romane C*, signified an hundred, intimating thereby that the number of the *Senators* (they only being permitted to weare this kinde of shooe) were at first a full hundred and no more. Others are of opinio that they weare this mooned clasp to put them in minde that the honour to which they had attained, was mutable and variable as the moone. For they thinke that these *Lunati calcei* were not received as a token of Nobility only at *Rome*, but in other places, to which purpose they interpret that of the Prophet *Esay*, cap. 3. *In die illo aufert Dominus ornamentum calceorum & lunulas*. *Cal. Rhod. lect. Antiq.*

*Coelius in orat. pro Milone.*

*Rosin' antiq. Rom. l. 5. c. 36.*

*(Salmuth in Pancirol. lib. rerum deperdit cap. de fibula  
Appositam nigre lunam subtexi alata.  
Iuvenal.  
Salmuth. in Pancirol. lib. rerum deperdit. cap. de fibula.*

tiq. l. 20. c. 28. *Uncinati calces*, were those, which the soldiers were wont to weare, I take them to be the same with those which they called *Caliga*, from which kinde of shooes *c. caesar caligula* had his name, because it was borne in the army. *Quia natus in exercitu fuerat cognomen calceamens militaris, id est, caligula sortitus est. Aurel. Viti. Epito. de vita imperat.* *Perones* (as we may coniecture) were laced vp the legge: for *Tertullian* making but two sorts of shooes, saith there were the *Mulle* called from their claspes *lunati*; and the *Perones* made without such halfe mooned claspes, called also *calcei puri, quoniam ex puro corio facti*; and these *Perones*, or *puros calceos* all the other *Romans* did weare x with this note of distinction, that the magistrates shooes were beset with precious stones, private mens were not. Thus much concerning both the kinds and fashion of the shooes may be collected out of *Rosinus* in the place aboue quoted. The description and vie of the *Cothurnus*, & *Soccus*, may be seene in the tract *de Romanis ludis*.

x Salmuch in  
Pacirol. lib.  
rerum deper.  
dic. c. de fibula

L I B.







## LIB. 3. SECT. 2.

## Of the Romane Magistrate.

## CAP. 1.

## De Magistratibus Romanis.



E being to treat of the *Romane* Magistrates will first see what the definition of a Magistrate is. A magistrate is he ° who receaveth by publique authority, the charge and oversight of humane affaires belonging to the common wealth. These *Romane* Magistrates were either to be chosen onely out of the better sort of *Romanes*, called the *Patricij*; or else only out of the commonalty. ¶ The first were thence called *Magistratus patricij*, the second *Magistratus plebeij*. The *Patricij* had power to hinder the assemblies of the people; namely their *Comitia*, by observing signes and tokens from the heavens; howbeit some of them had greater power, others lesse; insomuch that some were called *Maiores Magistratus, quoniam habebant maiora auspicia, id est, & magis rata*. Others were called *minores magistratus, quoniam habebant minora auspicia*. Of these in their order.

° Sig. de h. r.  
Rom. l. 1. c. 20.

¶ Sig. de iur.  
Provinc. l. 3.  
cap. 1.

q Fenest. de  
Magist. Rom.  
cap. 1.

## CAP. 2.

## CAP. 2.

*De Rege & Tribuno Celerum.*

7 Plutarch, in  
Romulo.

Plin. li. 33.  
cap. 2.

**I**N the infancy of *Rome*, it was governed by a king vnto *Tarquinius Superbus* his time, who by maintaining that shamefull act of his sonne towards *Lucretia*, did so incense the people, that they did not only for the present exile him, but decreed that their city should never after that bee governed by a king. This king had absolute rule and government over the city. For the safety of his person he had three hundred chosen young men alwaies to be attendant about him, much like unto our Kings Majesties Guard here in *England*, or rather his *Pensioniers*. They were called *Celeres à celeritate*, from their readinesse in assistance: sometimes they were called *Trossuli*, because they alone without the helpe of any foot-men did take a certaine city in *Etruria* called *Trossulum*. Other times they haue beene called *Flexumines*, whereof as yet there hath beene no certaine reason rendred. Each hundred of them had their severall overseer called *Centurio*: and over them all there was one generall overseer, and chiefe commander, whom they called *Præfectum vel Tribunum Celerum*, his place being next to the king. A second sort of attendants about the king were called *Lictores à Ligando*, according to that, *Lictor colliga manus*. They were by the *Grecians* called *παλῆστῆς*, which we may render Virgers from *παλῆς* a rodde, and *ἵστα*, to haue: though sometimes *παλῆστῆς* doe signifie the same as *παλῆστος*. The rehearsers of *Homers* verses, or in generall of any other Poets: *ἄλλοι τὸ παλαιὰ ἀδῶν*, from patching together other mens Poems. For the reciters of *Homers* verses were wont to hold a rod or wand in their hand during the time of rehearfall, *Cœl. Rhod. l. c. 29*. They did somewhat resemble our Seriants, there being in number twelve of them. Their office was to carry certaine bundles of birchen

birchen rods with an axe wrapped vp in the midst of them: the rods in Latin were called *Fasces*, the axe *Securis*. The reason why they carried both axes and rods was to intimate the different punishment that belonged to notorious and petty malefactors. The reason why they were wrapped vp together was not only that they might thereby be more portable, but that the anger of the magistrats might be somewhat allayed, whiles they were vnbinding. Hence, because these *Fasces virgarum & securium*, did betoken honour and chiefedome in place and authority, by the figure *synecdoche* this word hath beene used to signifie honour and dignity, as *Fasces sui abrogatis*, he being discharged of his magistracy or dignity. And *Fasces submittere* to give place, or yeeld vnto. *Valer. Publicola* gaue the occasion of the proverb. He to insinuate himselfe into the hearts of the people is said, *Submittere fasces populo quoties prodiret in concionem*. Some interpret it, as if he were wont to command the Seariant, quire to depart out of the assembly with their rods, which opinio *Plutarch* in *Publicola* confuteth writing thus: *αὐτὸς γὰρ τὸν ἑαυτοῦ σκήπτρον ἀποτίθημι τῷ δήμῳ, καὶ καταλείβω. Fasces ipsos in concionem prograssu populo submitte inclinavitq.* So that the phrase signifieth properly, the not holding vp of the rods, or rather the laying them downe as it were at the feete of the people. *Cal. Rhodig. l. 12. c. 7.*

Ioac. Cam  
rarius in ora  
pro Flacco.

Immedicabile  
vulnus Ense re  
cidendum. &c.

CAP 3.

De Senatu, & quis Princeps Senatus, & qui  
Senatores. Pedarij?

**T**ouching the election of the *Senators*, the number of them, and the distinction of them into *Senatores maiorum & Senatores minorum gentium*, sufficient hath beene delivered in the second division of the *Roman* people; as likewise in the third division hath been shewne the habit

or gowne by which the *Senators* were distinguished from the *Roman* Gentlemen. Here therefore it shall bee sufficient for vs to vnderstand, that every soleme meeting, or consistory of these *Senators* was called *Senatus*. The foreman of them (which could be no other then such, as had been either *Consul* or *Censor*) was called *Princeps Senatus*, and his opinion was alwaies first asked. Now among those that had borne those foresaid offices, it was in the *Censors* power to make whom he would fore-men. The decree of this consistory was called *Senatus consultum*. And many times it is writen with these two letters only. S. C. In like manner their preface to these decrees was commonly these two capitall letters B. F. That is *Bonum factum*, *Sueton. Iul. Cas. cap. 80.* and it had the same vse as, *In nomine Dei* with vs. The place where this consistory was had, they called *Senaculum*: None was ordinarily admitted into the place of a *Senator*, before the five and twentieth yeare of his age: and of those that were admitted, some were allowed to ride vnto the *Senato* house in a *Curule* chaire, namely when they had borne such office, which gaue them right vnto that chaire: others which had not borne such office went on foot: whence these latter were called *Senatores pedarii*. They determined their acts which they called *Senatus consulta*, sometimes by departing down their branches, & dividing themselves into sides: those which did approue that which was proposed, sided with the party who did *Referre ad Senatum*, that is, propose the matter vnto the Senate; the others departed vnto the contrary side; or if they came not downe at all, but sate still on the benches, then did they signifie by holding vp, or beckning with their hands, what side they would take. Now if the maior part were easie to be discerned, then they rested there, rearming that act to be decreed *per discessionem*: and hence these and the like phrases haue taken their beginning, *In illius sententiam iturus sum*, and *Manibus pedibusq; discedere in alicuius sententiam*, that is to be fully perswaded of ones opinion. Now if both

com-

n' Mart. Phil.  
ricus, in Cic. l.  
1. ep. fam. 1.

x Mart. Phil-  
ricus ibid.  
It. A Gel. noct  
Atr. c. 1. 3. c. 18.

y Hubert. in  
Cic. lib. 1. ep.  
fam. 1.

companies were almost equall, so that the maior part could not easilie be discerned, then did they proceed to giue their voices, and that which was thus determined was said to be decreed, *per singulorum sententias exquisitas*, that is, by voices. Here we may obserue that to thole, who were favourably heard in Senate, *Hic senatus dari dicebatur*; and<sup>a</sup> likewise they were said, *Seare in Senatu*, as on the contrary they were said *lacere*, whom the Senate neglected or rather condemned.<sup>a</sup> *Cum mihi stanticiacens minaretur*, saith<sup>b</sup> *Tully*, If any Senator were absent without a lawfull excuse, then was he fined: and for the payment thereof, he did put in a pledge, which if he did not ransom, then did the common Treasurer *Cedere vel considere pignora* that is, straine or seaze vpon the pledges, making common sale thereof, in which sense thole two phrases are vied, namely, *capere pignora*, & *auferre pignora*, that is, to straine or seaze vpon a mans goods.

<sup>a</sup> Ascensius in Cic. l. i. epist. fam. 4.  
<sup>a</sup> Cic. orat. de accusa respon.  
<sup>b</sup> Rolin. antiq. l. 7. c. 7.

CAP. 4.

De Consulibus.

**A**FTER the expulsion of *Tarquinius Sup*, the last Roman King, all the citizens in Rome assembled, and concluded that the government of the city, which before was in the hand of one alone governour, called their king, should now bee divided betweene two: who at first (before there was any such subordinate office, as a *Prætor* ship) the Romanes called *Prætores*, *quod præirent populo*. Not long after they were called *Iudices à iudicando*. In proesse of time they were knowne by no other name then *Consules à consulendo populo*.<sup>d</sup> No citizen, was ordinarily created *Consul* before the forty third yeare of his age. Neither might any be chosen without speciall dispensation, either of their absence out of Rome,<sup>e</sup> or in time of their triumph; which was the reason that *Iulius Cesar* was glad to forgoe his triumph at

<sup>c</sup> Rolin. ant. Rom. l. 7. c. 9.

<sup>d</sup> Cic. orat. Phil. 5.

<sup>e</sup> Suet. Iul. Caf. cap. 18.



that time when he was Consul with *Bibulus*. The signes or tokens of this *Consular* dignity were the twelve *Lictors* carrying their bundles of rods and axes, the first month before *one Consul*, and the second before the other: as formerly they had done before the Kings.\* Now he that had the rods carried before him in the first month, either he had more children then the other, for the *lex Julia* gaue precedency to him who had most children, or he was elder then the other, or in time of the election he was pronounced before the other, for which respects he was called *Consul maior*, and *Consul prior*. The reason why each *Consul* had not twelue *Lictors* alwaies, was because the tyranny of the *Consuls* might then seeme to be doubled and to exceed the tyranny of the Kings: another token was a certaine chaire of estate called *Sella curulis*, that is, an yvorie chaire so called from the matter whereof it was made, & because this chaire was commonly carried about in a certaine coach or chariot, wherein the *Consul* did ride, hence from *Curru* which signifieth a chariot it is also called *Sella curulis* where note that the word *Curulis* is sometimes used substantively: and then it signifieth some chiefe magistracy or office amongst the *Romans*. The gowne, by which they were distinguished from other magistrates or private men, was a certaine purple gowne, which from the great embroddred workes was called *Trabea*, and he that did weare it was thence called *Trabeatus*, according to that, *Trabeatus cura Quirini*. it will be worth the observation to note, that the *Romans* did date their deeds and charters in old time, by naming the yeare wherein their citie was first founded; as to say *Ab urbe condita* the twentieth, thirtieth, or fortieth yeare, &c. But in proccesse of time their manner of dating was by subscribing the names of their present *Consuls*: as to say, such a thing was determined *L. Valerius, M. Horatius Consulibus*: such and such being *Consuls*. Whence *Suetonius* speaking of *Iulius Caesar*, saith, he was appointed to be *Flamen Dialis*, *sequenti bus consulibus*, that is, the

f Alex. Gen.  
dier. l. 3. c. 8.

† Cæli. Rhod.  
lib. 12. c.

g Fonest. de  
magist. Rom.

h A. Gell. l. 3. c.  
18.

i Stadius in  
Flor. l. 1. c. 5.

the next year following. Yea this was so common a date that to know the age of their wines they signed their vessels with the names of their *Consuls*, adding withall that they might know the goodnesse of their wine; the name of the country whence it came, according to that of *Iuvenal. sat. 5.*

*Cuius patriam, solumq; senectus  
Delevit multa veteris fuligine resta.* *Turn. ad ul. 1. c. 1.*

Those alone who had borne the office of a *Consul*, not every one that was capable thereof, were said to be *Viri consulares.*

At the first those who were created *Consuls* remained in their office the space of an whole year, being *designati ad consulatum* vpon the twenty fourth of October. *Ad consulatum non intierant ante Calendias Ian.* that is the first of *January*. *Tifstinus in orat. Cic. pro Caelio. P. Ramus in orat. Cat. 1.*

The reason of this chafine, or *interim* between their designation unto their office, and their entry into it, was (as we may probably coniect) that the competitorours might have some time to enquire *de Ambitu*, that is, whether there was no vndirect and vnlawfull meanes vsed in their canyasing. In proceffe of time either by voluntary resignation or deposition or death many *Consuls* have been chosen in the same year, and they were called *Nonordinarij* or *suppletij Consules*. At such times all their deeds were dated by the names of the 2 first *Consuls* which beganne the year, whence those two first, and likewise all those that continued in their office the whole year were called *Consules Honorarij*, and *Consules Ordinarij*. *Fr. Sylvius in Cic. orat. pro Murza. Robin. ant. Rom. 1. 7. c. 9.*

## CAP. 5.

## De Censoribus.

THE *Consuls* finding themselves encombred with so many busineses of a different nature, did by consent of the *Senatus* choose two peculiar officers called *Censores* *a censendo*; because they cessed and valued every magist. Rom. cap. 17.

mans estate, registring their names, and placing them in a fit centurie. For it did concerne the *Romanes* to know the number, and likewise the wealth of the people, to the end they might be informed of their owne strength, and to shape their course accordingly, either in vndertaking warres, transplanning Colonies, or in making provision of victuals in time of peace. A second and maine part of their office was in reforming manners, to which end they had power to enquire into every mans life. This part of their authority was noted out vnto us by this phrase, being called *Vngula censoria*. If any one had played the ill husband, & neglected his farme, or left his vine vntrimmed, the *Censors* tooke notice thereof. They did *Senatus & Tribu mouere*, that is, they did dispose Senators and pull downe men from a more honourable tribe, to a lesse honorable. *Diminutio maxima* was the losse of ones Tribe, city, and freedome. These *Censors* were reputed of the best rancke of Magistrates in *Rome*: they remained in their office an whole five yeares space ordinarily. I say ordinarily, because through the abuse of their place, the office hath beene made sometimes annuall. That five yeares space the *Romanes* did call *Lustrum*, because they did once in every five yeares revolution *Lustrare exercitum Romanum*, by sacrifice purge the *Romane* army. Hence we say *duo lustra*, 10. yeares, *tria lustra*, 15. yeares, &c. The performance of this *Lustration* belonged also vnto the *Censors*: for after the *Censors* had performed the one part of their office, in registring the iust valuation of every citizens estate, they did lead a Sow, a Rā and a Bull, three times about the army, and in the end sacrificed them to *Mars*; and thus to purge an army, is, *condere Lustrum*; though sometimes *condere Lustrum* doth signifie, to muster an army. These sacrifices, as likewise all others of the like nature, that is, wherein there was a Sow, a Ramme, and a Bull sacrificed, were tearmed sometimes "*Snoues animalia*, sometimes *Solimanralia*, sometimes *Taurilia*. More- over it did belong vnto these *Censors* to farme out the tributes

7 Fenest de  
Rom magist.  
cap. 7.  
/ Pomp. Lxv.  
de Rom. mag  
c. de Cenlor.

7 Pancirol. lib.  
rerum deperd.  
c. de cibi ca-  
piendi modo.  
u Alex. Gen.  
dier. l. 5. c. 27.  
x Pomp. Lxv.  
de mag. Rom.  
c. de Cenlor.



*Superatores*, and *Iudices* *hastæ*; the court *Hastæ centumviralis*; because one of the markes and speciall ensignes was a speare erected vp in the place the court was kept. Those cases which were publique or criminal, as treason, murder, buying of voices in the canuasing of offices, &c. were called also *causæ capitalis*, and *capitalis demicatio*; that is, such cases wherein if the party accused had been found guilty he was *capitā dānatus*: by which phrase we must not vnderstand alwaies *Ultimum supplicium sed aliquando exilium*, quoselicet *capus*, that is, *civis eximitur à civitate*. These cases at the first were heard by the Kings and *Consuls*; afterward by certaine appointed therevnto by the people, being called from their inquisition *questores paricidij*. In continuance of time the examination and hearing of these publique cases was turned over vnto certaine Magistrates, who because they were to continue their office a full and entire yeare (whereas the others had their authority no longer, then they sat in iudgement) were thence for distinction sake called *Prætores Quæstiores*, and the cases were tearmed *Quæstiones perpetuæ*: because in these cases there was one set forme of giving iudgement perpetually to remaine; whereas in those private or civil causes the *Prætor* did commonly every yeare change the forme of giving iudgement by hanging vp new edicts. Here we must note that these *Quæstiores Parricidarum*, otherwise called *Prætores Quæstiores*, had not the examination of all publique cases, but sometimes vpon extraordinary occasions either the *Consuls*, the *Senate*, or the people themselves would giue iudgement. Now as those former *Prætores* had a speare erected vp, whereby their court for private causes was knowne; so had these *Quæstiores* a sword hanged out in token of their court. *Prætorum insignia duo fuisse, hastā, & gladiū; illa ad iurisdictionem; hic ad quæstionem significandam.* The officers which did attend these *Prætores* were *Scribæ*, that is, certaine Notaries much resembling the Clarkes of our Assises, their office being to write according as the *Prætors*

or



or chiefe Iustices did bid the, taking their name *ascribendo*. The second sort were called *Accensi ab acciando*, from summoning, because they were to summon men to their appearance: They much resembled our Bayliffes errant. The third sort were *littores* of which before. The authority of the *urbane Prator* was so increased in time, yea his honour was such, that whatsoever he commanded, it had the name of *ius honorarium*. Others are of opinion, that onely the *Prators* edict was that *ius honorarium*; & the *Prator Urbanus* being wont at the entrance into his office, to collect a set forme of administration of iustice out of the former lawes & severall edicts of former *Prators* according vnto which hee would administer iustice all the yeare following. And lest the people might be ignorant of the contents thereof, he caused it to be hang'd vpon the publicke view. This forme of iustice was termed *Edictum ab edicendo, id est, imperando*, because thereby he did command, or forbid something to be done. Whence *Pediusartus* in the place now quoted doth translate *Consulens edicta*, Mandatory letters, that it might be distinguished from other Magistrates edicts. It was commonly called *Pratoris edictum*. And as *Pighius* observeth in the place above quoted, it was called *edictum perpetuum*, not absolutely, because the vertue thereof was perpetuall (for that expired together with the *Prators* office and therefore *Tully* calleth it *legem annuam*) but in respect of others edicts made in the middle of the yeare vpon extraordinary and vnexpected occasions, which latter sort of edicts *Tully* calleth *peculiaris & nova edicta*. Afterward, *Salvius Iulianus* collected an Edict out of all the olde edicts of the former *Prators*, wherein almost all the whole civill law was contained, and this was called properly *Edictum perpetuum*, because that all the *Prators* ever after did administer iustice according to the Edict, by the appointment of *Hadrianus* being then Emperour. The edict being given out, the administration of iustice consisted in the vie of one of these three words, *Do, Di-*

n Feneft de  
Rom. maist.  
cap. 19.  
o P. Pellit. in  
Cic. orat. pro.  
A. Cœcilia.  
p Pighius B.  
quib. pet. com.

q Pellit. in  
Cic. orat. pro  
A. Cœcilia.

r Cic. in Ver.

(Cic. in Ver. 5  
s Sig. de iud.  
lib. 1. cap. 6.

u I. Camerar.  
in Cic. orat.  
pro Flacco.

*co, & Addico, id est, "Dat actionem, Dicit inu, Addicit tam res quam homines.* That is, he is said *Dare*, when he granteth out an action or writ against a man. *Dicere* when hee passeth iudgement on him, and *Addicere*, when he in the court doth see & allow the delivery of the thing, or the person on which iudgment is passed. The forme of Addition was thus. After iudgement had beene pronounced in the court, the partie which prevailed, laid his hand on the thing or the person, against which sentence was pronounced vsing this forme of words, *Hunc ego hominem, sive hanc rem, ex iure Quiritium meam esse dico.* Then immediatly did the L. chiefe-Justice *Addicere*, that is approue the challenge, and grant a present possession. *Ant. in Fast. lib. 1.* For explanation whereof wee must know, that this word *Addico*, is sometimes *uerbum Augurate*, sometimes *Forense*, sometimes a tearme of art belonging vnto the discipline of the *Augures*, and so the birds are said *Addicere*, when they shew some good and lucky token, that the matter consulted about is approved by the Gods, the opposite hereunto is *Abdicere*. Sometimes this verbe *Abdico* is a tearme of law signifying, as much as to deliuer vp into ones hands, or into ones possession: whence we doe not only call those goods that are delivered by the *Prator* vnto the right owner *bona addicta*, but those debtors also which are delivered vp by the *Prator* vnto their creditors to work out their debt, are tearmed *serui Addicti*: yea moreover because in all port-sales it was necessary that the *Prator* should *Addicere bona* deliver vp the goods solde: hence doth this word often signifie to sell, as *Addicere sanguinem alicuius*, to take money to kill a man, to sell a mans life. Touching the reason of their name, they were called *Pratores a praecendo, quoniam iure praebant*. And those alone were properly tearmed *uari pratorii*, which had borne this office, not they which were capable thereof: in the same sense we say *Viricensorij*, and *uari Adilitij, &c.*

x M. Toxita  
in orat. pro  
Pub. Quint.

y Fr. Maturan-  
ius in Philip.  
13.

C.A.P.



## CAP. 8.

*De principibus inventaris Caesaribus, &  
nobilissimis Caesaribus.*

<sup>a</sup> Rofin. antiq.  
17.c.3.

**A** custom was received amongst the *Romane* Emperours in their life time to nominate him whom they would have to succede them in their Empire; & him they called *Princeps inventaris, Caesar, & Nobilissimus Caesar*. The like custome was practised by *Charles* the fifth Emperour of *Germany*, and so hath beene continued by his successours; namely, that one should be chosen whom they called *Rex Romanorum*, who should be so farre invested in the title to the Empire by the meanes of the present Emperour, that vpon the death, resignation, or deposition of the then being Emperour, he immediatly should succede.

## CAP. 9.

*De Praefecto urbis.*

**R**omulus for the better government of the city appointed a certaine officer called *Vrbis Praefectus*, to haue the hearing of all matters or causes betwene the master and the servant, betwene orphans and their overseers, betwene the buyer and the seller, &c. Afterward in time of the *Roman* Emperours, this *Vrbis Praefectus* did assume vnto him selfe such authority, that he would examine and haue the hearing of all causes, of what nature soever, if they were *Intra centesimum lapide*, within an hundred miles of *Rome* (for <sup>b</sup> *Lapis* in old time signified a mile, because at every miles end a great stone in manner of a mark-stone was erected) in the absence of the King or Consuls, he had all authority which belonged vnto them resigned vnto him. I am

not

<sup>b</sup> Despauceri.  
us in sua syn-  
taxi.

not ignorant, that some doe marke this latter kinde of Prefecture, or Lieutenantship, a different office from the former. But I should rather thinke them to be one & the same, onely his authority to be more enlarged in the Kings Absences, and of this opinion doe I finde *Fenestella*, *Alexand.*, *Neopol.*, and *Sigonius*.

¶ Sig. de iure  
Rom. l. 1. c. 20.

## CAP. 10.

*De decem-viris legibus scribendis.*

FOR the better administration of iustice: the<sup>d</sup> Romans appointed three men, namely *Sp. Posthumius*, *Ser. Sulpicius*, *A. Manlius*, to goe to *Athens*, and other *Grecian* cities, there to peruse the *Grecian* laws: to the intent that at their returne, both a supply might be made of those laws that were wanting in *Rome*, and the other which were faulty, might thereby be rectified and amended. At the returne of those three men, the *Consuls* were deposed, and both their authority and ensignes giuen vnto ten men newly elected for the government of the state, & were thence called *Decemviri*. The first elected into this *Decemvirat* were, *Ap. Claudius*, *T. Genucius*, *P. Sextus*, *Sp. Veterius*, *C. Iulius*, *A. Manlius*, *Ser. Sulpicius*, *P. Curiatius*, *T. Romulus*, *Sp. Posthumius*. All of them such as had borne the office of a *consul*. The lawes which they brought from *Athens* were written at first in ten tables of brasse: afterward two other tables were added, at which time those lawes began to be knowne and distinguished from others by the name of *Leges 12 tabularum*. And according to those lawes iustice ever after was administered to the *Roman* people: at first by these ten men appointed thereunto, whose authority was as large even as the *Kings* and *Consuls* in old time, onely it was annuall, one of them only had the ensignes of honor carried before him; one alone had the authority of convocating the Senate confirming

¶ Fenest. de  
magist. Rom.  
cap. 14.  
¶ Rosin. lib. 7.  
cap. 9.

¶ Lips. Reg.  
Leg.



*g* Rosin antiq  
Rom. l. 7. c. 19.

firming their decrees, and the discharge of all state-bus-  
nesses. The other did little differ from private men in their  
habit; only when the first had ruled a set time, the others suc-  
ceeded by turns. This kind of government did not continue  
long in Rome, for in the third yeare all their power was abro-  
gated, because of their tyrannie and oppression vied by them  
towards the Romane people.

## CAP. II.

*De Interregia potestate.*

*h* Dion Halit.  
l. 2.

*i* Rosin lib. 6.  
cap. 16.

*k* Alex. Gen.  
dier. l. 5. c. 6.

**A**FTER the death of Romulus the Senators divided  
themselves into severall companies called *Decurie*  
committing the governmet of the kingdome to that  
*Decury*, that is to those ten men, vpon whom the lot fell, cal-  
ling them the *Interreges*: where we must know, that these  
ten did not rule altogether, but each man ruled for the space  
of five daies, whence *Rosinus* calleth this magistracie *Ma-*  
*gisstratum quinqueduanum*. After that five daies government  
had passed through the first, then did they go to lots to haue  
a second *Decury* chosen, and so a third, &c. This office of an  
*Interrex* remained eve in the *Consuls* time, so that if by some  
extraordinary occasion the *Consuls* could not bee created,  
then they chose one, to whom alone they committed the  
whole government of the kingdome, and him they called  
*Interregem*.

## CAP. 12.

*D Dictatore.*

**W**HENsoever the *Romanes* found themselves en-  
cumbered with dangerous warres, or any other e-  
minent dangers, they presently chose a *Dictator*,  
to

to whom alone was committed the authority and rule of the whole kingdome, differing from a King only in respect of his name, and the continuance of his office. Touching his name he was so called, *quoniam dictis eius parebat populus*. His office continued but six months, and at the expiration thereof, if need required, hee was chosen againe for another six months. He was also called *Populi Magister*, in as much as none could make their appeale from him vnto the people. As soone as himselfe was established in his office, he chose a subordinate officer, whom hee called *Equitum Magister*, in as much as his authority much resembled his, whom they called *Præfektum*: for as the *Præfektus urbi* in the absence of the king, so this *Magister equitum* in absence of the Dictator had full and uncontrollable authority of doing what he would.

## CAP. 13.

## De Tribunis militum.

**T**Hese<sup>1</sup> military *Tribunes* were of two sorts. The one had all power and authority, which belonged vnto the Consuls; and thence were called *Tribuni militum consulari potestate*. The occasion of them was this: The protector of the commons, called *Tribuni plebis*, did earnestly labour that the commonalty might be made as capable of the consular dignity as the Nobility: This was followed so hot, that in the end though the Nobility would not grant them way vnto that dignity vnder the name of Consuls; yet in effect they would grant it them. Namely the Consuls should be deposed, & in their steed other magistrates should be chosen; part out of the Nobility, part out of the commonalty, who though they were not called Consuls, but *Tribuni* yet were they of Consular authority: by which they were distinguished from the other sort of Military *Tribunes*, who had power and authority only in matters military, and were knowne

⁂ Alex. Gen.  
dier. lib. 6. c. 18.

⁂ Rosin. Ant.  
lib. 7. cap. 20.

knowne by the name of *Tribuni militum* without any addition. Sometimes there was one of these three words prefixed, *Rutuli* or *Rufuli*, *Suffecti* and *comitiales*; not thereby to intimate vnto vs any distinction of office or place, but to signifie their manner of election. For if they were chosen by the *Consuls*, then were they called *Tribuni Rutuli*, or *Rufuli* because they had their authority confirmed vnto them by vertue of an act of law preferred by *Rutilius Rufus*, when he was *Consul*. If they were chosen by the souldiers themselves in their campe, then were they called *Tribuni suffecti* that is, *Tribunes substituted* or put in the place of another. Whence wee may conject, that the souldiers were not permitted to make any election, but in time of need, when their former *Tribunes* were taken from them by some violent or vnnatural death. The last sort called *Comitiales*, were so called because they were chosen by the Roman assemblies called in Latine *Comitia*. They were termed *Tribuni*, because at the first institution of them (whether we vnderstand the Consular *Tribunes*, or this latter sort) there were but three of each. In proceesse of time notwithstanding I finde the number not only of those Consular *Tribunes*, but of those other also to haue beene increased to six, accordingly as the thousands in a legion were multiplied. These latter sort of *Tribunes*, in respect of their military discipline, which was to see the souldiers being faultie to be punished, wee may english *Knights Martiall*: In respect that their authority was over foot-men only we may english them *Serians maiors*: onely this difference there was, to every thousand of foot-men in any legion, there were as many military *Tribunes* vnder their chiefe commander called *Imperator*. But in our english armies there is but one *Seriant maior*, who alone vnder the L. General hath command over all the foot-men, bee there never so many thousands.

## CAP. 14.

*De Triumviris Reipub. constituenda.*

**T**His tyranny of the *Triumviratus* beganne by a conspiracy betweene *Augustus Caesar*, *Antonius*, and *Lepidus*. For these three vnder the pretence of revenging *Jul. Caesar* his death, obtained chiefe power and authority for the space of five yeares throughout *Rome*, pretending that they would settle the common wealth, which at that time by reason of *Jul. Caesars* death was much out of order. Those 5 yeares being expired, they refused to resigne their authority, exercising excessive crueltie towards all the *Romans* of what degree soever. ¶ This kinde of government remained but ten yeares, neither ever were there any other then those three above named. They had power to enact any new law, to reverse any former Act, without the consent of the *Senate*, or commons. They might proscribe and banish any *Romane* at their pleasure, and as often as we read *de Triumviratu* simply without any adiunction, or *de Triumviratu Senatus legendi*, wee are to vnderstand it of this, though some vpon vnſure grounds doe disioine them.

¶ Fenest. de  
mag. Rom.  
cap. 21.

¶ Suet. Octav.  
Aug. cap. 17.

## CAP. 15.

*De Quaestoribus ararij.*

**T**His office of the *Quaestors* seemeth not vnlike to a publique Treasurers, which collecteth the subsidies, customes, mony, yearely revenues, and all other payments belonging to any state or corporation. And hence ¶ *quoniam publica pecunia quarēda propositi erant*, they tooke their name *Quaestores*: Sometimes they are called *Quaestores Urbani*, to distinguish them from the provinciall *Quaestors*, which

¶ Fenest. de  
Rom. magistr.  
cap. 3.

1 Sig. de iure  
Rom. l. 2. c. 8.

which bare office in the *Roman* Provinces: sometimes they are called *Quaestores ararij*; to distinguish them from those that were called *Quaestores parricidij*, or *rerum capitalium*, of which you may see more in the tract *de Pratoribus*.<sup>1</sup> Lastly they were called *Quaestores ararij*, to distinguish them from the *Tribuni ararij*, that is, those *Martiall* treasurers, or *Clarks* of the band, which did receaue the souldiers pay from these city-treasurers, and so pay it to the souldiers. The office of those city-Treasurers (then being at first but two) was to receaue all the city accounts; to disburse at all occasions of publique expenses; to take an oath of him that the souldiers had saluted by the name of *Imperator*, that he had truly informed the *Senate* both of the number of enemies slaine, as also of the number of citizens lost: otherwise he might barre the Emperour of his triumph. Moreover whatsoever spoiles were taken in warre, they were delivered vp vnto these city-*Quaestors*, and they selling them, laid vp the money in the great Treasure-house called *Aedes Saturni*,

## CAP. 16.

*De Tribunis Plebis.*

1 l. Rosin.  
Epit. rerum,  
Rom.

THE<sup>u</sup> *Roman* commonalty finding themselves oppressed by the wealthier sort, departed vnto the *Aventine* mount, threatning the *Roman* nobility, that they would forsake their city, and never againe adventure themselves in warre for the defence thereof, vlesse they did finde some release and easement, from those excessiue payments of vs<sup>e</sup> & interest vnto their creditours: yea beside the remission of their present debts, before they would returne vnto their city againe, they would haue certaine magistrates, chosen, which should be <sup>x</sup> *Sacro-sancti*, that is, such as might not be hurt or violently vsed; not so much as in word: and if any had violated that law, whereby they were made *Sacro-sancti*.

x Rosin. ant.  
l. 7. c.



*sancti*, then was he accounted *homo sacer*, that is, an excommunicate person, or such an one whose soule should be vowed vnto some God; insomuch that if any after had killed him, he should not be liable vnto judgement: *Ygnoniam illius anima dijs deo et amplius humani commercij non sit.* To those magistrats the protection of the commons was committed, who because they were at first chosen out of the *Military Tribunes*; therefore did they alwaies retain the name of *Tribunes*, being called that they might be distinguished from the others, *Tribuni plebis*, Protectours of the commons. At the first institution of them they were in number but two, as some haue thought: <sup>a</sup> Others say five: afterward (as it is yeccided by all writers) they increased vnto ten: Their authority at first consisted chiefly in this, that they had power to hinder any proceedings in the *Senate*, which they thought might proue preiudiciall vnto the commons, so that they had not authority to enact any new decrees, as afterward by abusing their authority they did. <sup>b</sup> *Sed eorū auctoritas magis in intercedendo, quā in iubendo.* And hence was it that in olde time these protectours of the commons were not permitted to come into the *Senate*: but they sate without at the doore, whether whatsoeuer was determined within the *Senate* was sent vnto them, to be perused by them, and if they did approve it, then did they subscribe a great *Roman T.* being the first letter of this word *Tribuni*. <sup>d</sup> The houles of these Tribunes stood open night and day, as a common refuge or place of succour for all that would come; <sup>e</sup> neither was it lawfull for them to bee absent out of the towne one whole day throughout the yeare.

<sup>a</sup> Alex. Gen. dier. l. 6. c. 14.  
Rofin antiq. lib. 7. c. 23.

<sup>b</sup> Pighius in suo Tiranni fug. a Pom. Lzt.

<sup>b</sup> Stadius in Flor. lib. 3. c. 2.

<sup>c</sup> Pigh. in suo Tirannifug.

<sup>d</sup> Rofin. ant. Rom. l. 7. c. 23.  
<sup>e</sup> Pigh. in suo Tyrannifug.

## CAP. 17.

De *Edilibus*. & *Præfecto annonæ*.

**W**E may read of three sorts of *Roman Magistrates* called *Ediles*, the two first had their name *ab ædibus curandis*, hauing in their charge to repaire both

f Philet. in l.  
a Cic. epist.  
fam. 10.

g Alex. Gen.  
dier. l. 4. c. 4.

h Alex. Gen.  
ibid.

i Pighius in  
suo tyrannif.

k Rosin. antiq.  
lib. 7. cap. 38.

both temples and private dwelling-houses which belonged vnto the city. The first sort were called *Adiles curules*, *a sella curuli*, from the chaire of state, wherein it was permitted them to ride, and these were chosen out of the *Senators*. The second sort were called *Adiles plebei*, and they were added vnto the former at the earnest suit of the commons, they being to be chosen out of them. Where we must note that they were not so added, that both sorts should rule at one and the selfe same time, <sup>s</sup> but that the *Curules* should rule the one year, and the *Plebei* the other. To these *Adiles* it did belong, beside the reparation of temples & private houses, to looke vnto the weights and measures in common sale: for they had power to examine *Actiones redhibitorias*, that is, such actions, by vertue of which he that had sold any corrupt or sophisticated wares, was constrained to take them againe. Moreover they had the charge of the publike conduit or water-conveiances, of provision for solemne plaies, &c. Of the third sort there were also two, who were in a manner Clarkes of the Market. <sup>h</sup> For vnto them belonged the looking vnto the victuals sold in the market, and corne: Whence they were called by them *Adiles cereales*, and <sup>i</sup> by the *Greekes* ἀγορευοί. This office, for ought that can bee collected out of those that treat of it, differeth but little from his, whom the *Romans* called *Annona praefectum*, onely this, the *Adiles Cereales* were *magistratus ordinarij*, the *Præfectus*, *extraordinarius*, namely, <sup>k</sup> such as was chosen onely in time of extraordinary deaths: he hauing for that time larger authority then those ordinary clarkes of the market. For as it appeareth, by *Rosinus* in the place now quoted, this *Præfectus* had power of himselfe, to examine all such cases or questions as should arise touching the dearth: as suppose the hoarding of corne, forestalling the market, &c.

CAP. 18.

De Triumviris.

**B**ESIDE that *Triumviratus Reip. constitnenda*, of which we spake before, there were divers kinds of *Triumvirates*, namely *Triumviri capitales*, three high Sheriffs, who had the charge of prisons, and were to see malefactors punished: for which purpose eight *Lictors* did attend them. There were also <sup>1</sup> *Triumviri Menarii*; three men, wee may tearme them Bankers, who had authority to pay out of the common treasure poore mens debts. Sometimes there were appointed five to this office, whence they were called also <sup>m</sup> *Quinque viri Menarii*; both being called *Mensarii* <sup>m I. Camerar. in orat. Cic. pro Flacco.</sup> from *Mensa*, a table, whergon they told their mony: Another sort of *Triumviri* there were appointed to presse soldiers, whence they were called *Triumviri conquirendi invenes idoneos ad arma ferenda*. We read also of certaine *Triumviri*, which were elected as chiefe captaines to guid and conduct the people in transplanting colonies, and thence were they named *Triumviri Colonia deducenda*; but sometimes for this purpose they elected seven, ten, or twenty, and so named them *Quinqueviri*, *Septemviri*, *Decemviri*, and *Vigintiviri* *colonia deducenda*. Three other sorts of *Triumviri* remaine, which were officers of small account, as the *Triumviri monetales*, three Masters of the Mint, who thence were called *Triumviri A. A. E. F. F.* that *Auro*, *Argento*, *Aere*, *Flando*, *Ferundo*, for they had the charge of coining the mony. Secondly, *Triumviri valetudinis*, Three Pest-men, which were to oversee those that lay infected with any contagious sicknesse. Thirdly, <sup>n</sup> *Triumviri nocturni*, three Bell-men which were to <sup>n Alex. Gen. dier. l. 3. c. 16.</sup> walke the towne at night, and to give notice of fire.

## CAP. 19.

*De Prasectis Aerarij.*

**A**ugustus Caesar desiring for the better safety of the citty, to maintaine many bands of souldiers, which should alwaies be in readines for the defence of the Citty, desired of the citty an yearely subsidie for the maintenance of those souldiers: but being denied it, hee built a certaine Treasure-house, which hee called *Aerarium militare*, whereinto he cast his mony for himselfe, and *Tiberius*; and promised to doe so every yeare. Afterward when he saw the Treasurie nor to bee enriched enough, either by that mony which himselfe bestowed, or by the contributions of others he appointed that the twentieth part of all inheritances and legacies (except it were to the next of the kinne, or to the poore) should fall vnto this Treasurie. For the charge & custody hereof hee appointed three of those souldiers which alwaies attended about him for the safegard of his person, calling them *Prasectos Aerarij*.

## CAP. 20.

*De Prasecto Pratorio.*

o Pancirolin  
netitiam im-  
per, orient, c. y  
p Pighius in  
Aequipet,  
compol.

**A**ll Captaines and Governours to whom the rule of any army belonged, were in ancient time called  
o *Pratores*: This word *Prator* signifying then three chiefe officers among the *Romans*: first a *Consul*, secondly a L. chiefe-justice, thirdly, a L. Generall in warre, all of them being called *Pratores, quasi Pratores, quoniam iure & exercitu praebant*. Answerable to which threefold acception, this word *Pratorium* hath three severall significatiōs: sometimes it signifieth a Princes palace or mannour-house, sometimes a great

great ball or place where judgement was wont to be given; and lastly the L. Generall his pavilion in the campe; <sup>q</sup> from <sup>q</sup> Asconius in Vetrinam. 3. which last signification it is, that those souldiers that giue attendance about that pavilion for the gard of their Capitaines person, are sometimes called *Milites Pratoriani*, sometimes *Cohors pratoria*; and he to whom the oversight of these souldiers was committed was thence called *Pratoriopraefectus*.

CAP. 21.

*De Advocato fisci.*

**F**OR the right vnderstanding of this office, wee must first note a difference betweene these two words, *Erarium*, & *Fiscus*. *Erarium* was a common treasury belonging vnto an whole state or corporation, whence all publike and common expences are to bee supplied. *Fiscus* was the Kings or Emperours private coffers: it may be englisht the Kings Exchequer. The keeper thereof was called *Advocatus Fisci*. There are many other petty offices within the citty, which I haue purposely omitted, because there is but seldome mention of them in old authors, and as often as they are mentioned, their names doe explaine their office.

CAP. 22.

*De praeipuis Magistratibus provincialibus.*

**O**Ver the Provinces at first ruled certaine magistrates sent from *Rome*, by commission from the *Roman* Senate, called *Pratores*, whose office was to administer iustice vnto the provincially inhabitants, yea & if occasion serued, to make war also vpon their enemies, & this was the reason that the number of the *Pratores* did so increase alwaies.



alwaies, namely accordingly as the number of Provinces did encrease. The wars and tumults in the Provinces sometimes were so great, that the *Prator* was not sufficient both to manage war and execute iustice: wherevpon the *Senate* thought fit to send a nother magistrate into the Provinces, whom they called a *Consul*, because properly the managing of warre belonged vnto the *consul*. So that there were at first two ordinary Provinciall magistrats, a *Consul* to manage warre, and a *Prator*, or *L. chiefe-Iustice* to sit in iudgement. And if these two by a second grant from the *Senate* did continue in their office above the space of an yeare, then were they called *Proconsules*, & *Propratores*. But in proceffe of time this custome was altered. For then none could be *Proconsules*, but those alone who had beene *Consuls* in *Rome*: neither could any bee *Proprators*, which had not beene *Prators* at *Rome*. Their manner being, that the next yeare after the expiration of their offices in *Rome*, they should depart into some certaine Province, to beare the same offices againe, being not called *Consules* or *Pratores* as before, but <sup>t</sup> *Proconsules* & *Propratores*; and for this cause alwaies, so soone as the *Consuls* had beene created, the *Senate* did appoint certaine Provinces for the *Consuls*, which being appointed, the *Consuls* did either agree betweene themselves, who should goe to the one, who to the other: and that was tearmed *comparare provincias*: or else they did decide the question by lots, and that was tearmed *sortiri provincias*: howbeit sometimes the *Senate* did interpose their authority, and dispose the same. Vnder the Emperours the governours of some Provinces were appointed by the *Senate*, and the people, and those were called *Proconsules*, and the Provinces, <sup>t</sup> *Provincia Consulares*: others were appointed by the Emperours, and they were called *Propratores*, and the Provinces *Pratoria Provincia*. For all this, which hath beene nored touching the Provinciall Magistrates, it is almost *verbatim* translated out of <sup>u</sup> *Rosinus*. To which we adde this, namely that every *Proconsul* and *Proprator* did usually

f Alex. Gen.  
dier. l. 3. c. 3.

t I. Camerar.  
pro L. Flacco.

u Rosin. antiq.  
l. 10. c. 34.

visually choose a Lieutenant such a one as should be assistant vnto him in matters of government; whom they called *Legatum*: So that this word *Legatus* signifieth three severall Magistrates amongst the *Romans*, two whereof may be proved out of *Sigonius*: first that it signified such a Lieutenant, or L. Deputy vnder a *proconsul*, or *Proprator* in a Province; secondly, that it signified such a one as is employed in the delivery of a message or embassage from one Prince or State to another; we commonly call them *Embassadors*. Lastly it signified a Lieutenant or chiefe Captaine in warre, whose place was next vnder the L. Generall. His office at the first institution was not so much to rule or command, as to assist the L. Generall in counsell; whence *Polibius* commonly ioyneth these two together, *πρεσβυτης & συμβουλος*, that is, *Legatos & Consiliarios*, that the latter word might expound the former. *Lips. de mil. Rom. l. 2. dial. 11.* Moreover every *Proconsul* and *Proprator* had with them certaine Treasurers called *Quaestores provinciales*. These provincially Treasurers were chosen by the *Roman* people commonly, namely such a number as the number of provinces did require. After the election, they betweene themselves did cast lots who should goe vnto the one, who vnto the other provinces: sometimes extraordinarily by vertue of speciall Act or decree, this or that speciall man hath obtained his or that Province without any lottery. By the way wee must note, that all Provincially *Quaestors* could not be called *Proquaestors*, as all Provincially *Consuls* and *Prators* were called *Proconsules* and *Propratores*. For these onely were called *Proquaestors*, which did succeede these provincially *Quaestors*, when they did either die in their office, or depart out of the Province, no successor being expected from *Rome*: at which times it was lawfull for the *Proconsul*, or *Proprator* to choose his *Proquaestor*. Moreover there were beside these *Legati & Quaestores* other military officers; such as are the *Tribuni militum*, *Centuriones*, *praefecti*, *Decuriones*, together with other inferior officers, as their Secretaries, Bayliffs, Cryers, Seriants, and such like.

x Pomp. Læ.  
de mag. Rom.

y Sig. de iure  
prou. l. 2. c. 3.

a Sig. de iure  
Prov. l. 2. c. 3.

b Sigon. ibid.

c Rosin. antiq.  
Rom l. 7. c. 45.

d Sig. de iure  
Prov l. 2. c. 3.



## LIB. 3. SECT. 3.

## Of the Roman Punishments.

## CAP. I.

*Supplicia, Multa, Lex Ateria, Tarpeia. Ego ei  
vnum ovem multam disco, &c.*



Touching the military punishment, which belonged to military discipline, it shall bee treated of in it's proper place. Here only of the Citty discipline, and the vsuall punishment exercised therein, which wee may divide thus. Punishments publickly inflicted on malefactors are either *Pecuniarie multa*, or *Corporall punishments*; the *Pecuniary multa* were of two sorts: either an appointed summe of money was required of the party guilty and then it was called *Multa*; or his whole estate was leased on, and then it was termed a *Confiscation* of his goods. The *Multa* was twofold, the one termed *Multa suprema*, the other *Multa minima*. Of both these Gellius writeth thus: *Suprema multa erat duarum ovium, & triginta bouum, pro copia scilicet bouum, & penuria ovium: sed cum eiusmodi multa pecoris, armentisq; a magistratibus dicta erat, adigebantur boves ovesq; alias pretii parui, alias maioris, eaq; res faciebat inaequalem multa punctionem. Idcirco postea lex Ateria constituta*

*sunt:*

*sunt in oves singulas aris deni, in boves aris centeni: Minima vero multa fuit ovium unius.* Moreover as he observeth in the same place, whensoever the Magistrat did set a fine or Mult upon the offenders head, he used the word *Ovis* in the Masculine gender as, *Ego ei unum ovem multam dico, &c.* The law which *Gellius* calleth *Ateriam legem*: *b Festus* calleth *b Festus in vo. Legem Tarpeiam*, because *Aterius* enacted it, when he was *ce peculat.* Colleague or fellow-Consul with *Tarpeius*. Likewise wee may take notice of the clemency used in those times. It was provided by the law, that seeing there was greater plenty of Oxen then of Sheepe, & to be fined an Oxe, was not so much as to be a fined Sheepe, therefore the Magistrate pronouncing the Fine *Bonem prius quam Ovem nominaret, ut innotesceret* *c P. in l. 18. c. 3.* *Romanis mitiores semper poenas placuisse.* *It Alex. ab A. lex. l. 3 cap. 5.*

## CAP. 3.

*Capitis diminutio, maxima, media, minima. Aqua, & Igne interdici. Proscriptio, Lata fuga, Deportatio, &c. Sed quoniam, & Alii, & Evary, In ararios relati, Religatio, Lanj cumtintinnabulis.*

**T**HE corporall punishments are either such as were Capitall, depriving a man of his life: or Castigatory, such corrections as served for the humbling and reforming of the offender, or for the destroying of him. Capitall punishments were sometimes taken in a civill acception, for the losse of freedome, which the *Romanes* called *capitis diminutionem*, Disfranchising, because in every Free-man thus disfranchised, one head of the corporatio was as it were cut off: sometimes it is taken for the losse of ones life, & this they called *Vltimum supplicium*. That disfranchising called *Capitis diminutio*, was *d* threefold, *Maxima, Media & Minima*. The least degree was, when the *Censors* pulled a man from *d Rosin. ant. Rem. l. 9. c. 3.*

an higher Tribe, downe to a lower and lesse honorable, or when by any censure they disabled a man from suffraging, or giving his voice in the publike assemblies: such as were thus in the last manner punished, were tearmed *Exvay*, and *In ararios relati*: *quia omnia alia iura civium Romanorum, præterquã tributi & aeris conferendi amiserunt*. This kinde of punishment, as it may seeme, was many times exercised for irreverend gesture, or speeches used by such as were questioned by the *Censors*. Three severall examples are noted by *Gellius*, the last is this: *P. Scipio Nasica*, and *M. Pomilius* being *Censors*, taking a view of the Roman knights observed one of them to have a leane starveling horse, himselfe being fat, and in good plight, wherevpon they demanded the reason why his horse was so leane, himselfe being so fat: his answer was. *Quoniam ego, inquit, me curo; equum Statium meus servus. Diminutio media*, was an exilement out of the City, without the losse of ones freedome: *g* It was commonly set downe in this forme of words: *Tibi aqua & ignis interdico*. And it seemeth by *Calpurnius Rhodiginus*, to be all one with that kinde of banishment, which the Romans called *proscriptio*, though it cannot be denied, but that *Proscriptus* sometimes signifieth only such a one, whose goods are set at sale to satisfie his creditors, because hee will not appeare in the Court, the forme thereof is thus. The Creditours having obtained leaue of the Lord chiefe Justice to proceed in this manner, they committed the ordering of the sale to one principal Creditour and he was called simply *Magister*, and he in the name of all the rest solemnely proclaimed in the chiefe places of the City in forme as followeth. *Ille debitor noster in eiusmodi causa est, ut bona eius vendi debeant, nos creditores patrimonium eius distrabimus: quicunq; emere velit, adesto*. But for the reconciling of both opinions, we may tearme the first to be *Proscriptionem hominum*: the other *Proscriptionem bonorum*: which distinctio being not observed, breedeth a great confusion in the Authors that treat of this punishment, and because

*g* Sig. de iure  
Rom. l. i. c. 17.

*f* A. Gell. noct.  
Attic. l. 4.  
cap. vii.

*g* Camerar. in  
orat. Cic. pro.  
Muræ.  
*h* Cosl. Rhod.  
l. 15, cap. 17.

*i* Rosin. antiq.  
lib. 9, cap. 12.



because both was performed by solemne and publique proclamations, hence the name *Proscriptio* agreed as well to the goods confiscated; as to the persons banished: according to that, <sup>k</sup> *Quoniam eorum nomina in publico scribebantur, hinc* & Fr. Matur. in *proscribi dicebantur*. Hence the <sup>l</sup> *Gracians* use not onely the Philip orat. 5. word *πρωτοδοξ*, but also *συδνησις*, to signifie the act of *Proscrip- tion*, because they wrot in a publique pillar the faults and offences of such as were thus banished. But to proceed without farther digression. *Diminutio maxima* was the losse both of the city, and the freedome; and this I take to be the same which in other tearmes was called *Lata fuga*, or *Deportatio*, namely a perpetuall exilement: all standing in opposition to that other kind of banishment, called *Relegatio*, which was the exilement <sup>\*</sup> onely for a season, happily for five yeares &c: see C. Rhod. lib. 10. c. 5. though I deny not but that *Lata fuga* was so called not only in respect of the duration of time, it being a perpetuall banishment: but also in regard of the places so generally prohibited; <sup>†</sup> for he that was thus banished, was tied and limited to one peculiar country, all other places in generall being forbidden him. Those punishments that deprived of life in ordinary use, and of which there is most frequent mention in Roman Authors, are these which follow. *Furca, Crux, Carcer, Culcus, Eentulus: De rupe Tarpeia deiectio* lib. 2. Eleg. 1. *Scale, Gemonia, Tunica, Damnatio in gladium, in ludum, ad bestias*: In generall we are to note, that the execution was without the gates of the city, to prevent the noysōnes which such abundance of blood might occasion, <sup>n</sup> for which reason <sup>n</sup> Plaut. Cal. the executioner dwelt without the city. Likewise those that were adjudged to death, when they went to the place of execution, a certaine little bell was tyed about them, that by the sound thereof, the people might beware of touching the condemned person, because the very touch of him was counted a kinde of pollution: this <sup>o</sup> *Turnebus* obserueth out of *Lani- Zonaras*: and from hence the executioners are called <sup>p</sup> *Lani- cum tintinnabulis*. And for this reason <sup>q</sup> it was, that a little

† Adde quod  
edicta quam-  
vis immitte-  
minaxque  
Attamen in  
pene nomine  
lene fuit.  
Quippe rele-  
gatus, non ex-  
ul dicor in illo  
Ovid. de trist.  
lib. 2. Eleg. 1.  
m Tholosan.  
syntag. iur. v.  
nivett. lib. 31.

<sup>n</sup> Plaut. Cal.  
2. 6.  
<sup>o</sup> Turn. adv.  
l. 11. c. 21.  
<sup>p</sup> Plaut. pseud.  
1. 3.  
<sup>q</sup> Rosin. ant.  
l. 10. c. 29.

r Tertul. Apo-  
log. cap. 33.

bell and a scourge was hanged vp in the hindmost part of the chariot, wherein the Lord generall did ride in his triumph, a publike officer which rodde with him in the same chariot, now and then plucking him behind, and bidding him looke back, vsing this forme of words, *Respice post te, hominem memo- mento te*, that is, Sir looke behind you, remember your selfe to be but a man. For the sight of the scourge and bell serued to put him in minde, that notwithstanding his present triumph and acclamations, his after-miseries might be such, that he might be punished not onely with whippes, but even with death it selfe.

## CAP. 10.

*Furca, Furcifer. Supplicium more ma-  
iorum, singula.*

a Isidor. orig.  
lib. 10.

b Plutarch, in  
Coriol.

c Epit. Livij.  
de c. 5. lib. 6.

**A**Vncient authors which do write of the *Roman furca*, doe rather mention it, then explaine it, but if wee diligently obserue what they speake of it, wee shall finde the vse thereof to have bin three-fold. The first igno- minious. Which was when the master forced the servant for small offences *furcam circa urbem ferre*, to carry this *furca* vpon his shoulders about the city, confessing his fault and admonishing others to beware of the like offence, & hence such a servant was afterward called *furcifer*; and here I thinke was vse of those *stimuli* or goades, whereof I shall speake more in the chapter following; namely that when the party thus to be punished dragged back, and shewed himselfe vn- willing, then did the executioner prick him forward with these kinde of goades. The second sort was penall, when the party hauing the *furca* on his neck, was ledde vp and downe the Cirque or some publique place, and on the way to bee whipt but not vnto death, thus C. *Maternus damnatus sub furca diu virgis casus erat, & sestertio nummo vaniit*. He was after-

afterward sold, & therefore died not vnder the punishment. The third sort was penall to, but in an higher degree; namely, when the malefactor hauing his head fastned to the *furca* was whipt vnder it vnto death; and this was by a peculiar name called *supplicium more maiorū*. This yet differed from that beheading with an axe which was in vse among the Romans, and called by the *Grecians* *κρανίδιον* from *κράνος* signifying an axe or hatchet; it differed I say from this, because howsoever there were in this *καρπὸς οὐδένων*, a tying the party to a stake or post, and also *μαστίγων*, a whipping, in both which it agreed with the former punishment, yet herein they differed, because in the former they were whipped vnto death, in the latter they were after their whipping beheaded with an axe, as appeareth by the execution of *Antigonus* the King of the Iewes. But to proceed in the description of the *furca*, the forme thereof I take to bee like the beame of a wayne vnto which the yokes are fastned; it resembled a forke, & the *furca* is called *ξύλον διπλὺν, διπλὺν, διδυμὸν, id est, lignum duplex, bicornutum, geminum*, in english a forked piece of timber; there is no such piece throughout the whole wayne as the forme of waynes is in these daies, but only the beame thereof. *Plutarch* treating of the *furca*, saith that it is, *ξύλον ἀμείνων τὸ τὸ ῥυμὸς ὑπεκίδου*, that is, a piece of timber about the wagon or wayne, wherewith they vpheld the beame, and he addeth, that what the *Grecians* call *σπίσμα* & *σπίσμα*, that the Romans call *furca*; now *Hesychius* describeth *σπίσμα* to be *τὸ διπλὺν ἑπὶ τοῖς ῥυμῶν τὸ ἀμείνων ξύλον*, that is, the forked piece of timber, which they put vnder the yoke of the wayne; correct *Plutarch* by *Hesychius*, and for *τὸ ῥυμὸν*, reade *τὸ ξύλον*, & you haue in both the description of the beame in the wayne. Some thinke that *Plutarch* compareth the *furca* to certaine forked piece of timber, where with the waine was vpheld whiles it was vnloaded, but how this can stand with *Hesychius* his description of *σπίσμα*, I am yet to learne, notwithstanding if we admit this interpretation, that which

d Sueton. in Ner. 49.

e Dio. lib. 49.

f Plut. in Coriol.

which I would hence inferre, is rather confirmed, then any way weakened: namely that the forme of the old *Roman* *furca* was forked, neither doe there appeare any testimonies so evident to me, as to perswade that among the ancient *Romans* any other was in vse. True it is, that in after ages the forme thereof was the very same with our gallowses which are now in vse, and this happily beganne, when the vse of crucifying was interdicted, which interdiction we read first to haue taken place in *Constantines* time.

g Sozom. ec-  
cles. hist. l. i. c. 8

C A P. 4.

*Crux. Servile supplicium. Tantalus.*

Crucifixion hath beene a punishment in ancient vse among the *Romans*, it was abrogated by *Constantine*.

It was a death that commonly servants were sentenced unto, seldometimes free-men, whence it is many times

<sup>b</sup> Vid. Lips. de noted out by the name of *servile suspitium* by Tacitus, yet <sup>h</sup> crucial. l. c. 11. Some times freemen though of the baser sort & for notorious

Some times freemen though of the baser sort, & for notorious offences were adjudged to this kind of death nay a cleare ex-

† *Suet. Galba* ample hereof we have in that *Guardian* which *Galba* crucified, for poisoning his ward, for the *Guardian* calling for

the benefit of the law, & avouching in his plea, *That he was a Roman Citizen* & that if he would offer his manifest

with some comfort and honor, commanded the cross area.

dy made to be changed, and another to be reared far higher than the ordinary, and the same laid over with a white co-

colour. Those which were thus to be punished, they bore their cross upon their shoulders to the place of execution.

*Malefici cum ad supplicium educuntur, quisq. suam effert crucem.*

\* *Artemidorus* is as plaine Εαιχε γδ' ὁ σαρπὸς θανάτω, καὶ ὁ μέλ-  
λον προσηλῶσαι, πρότερον αὐτὸν βασίλει· that is: The crolle is

like vnto death, & he which was to be crucified did first bear it. The party that suffered this kind of death was for a sin.

ped

**i Plus, de sera**

numinis vind.

\* Vid. Lips. de.

cruce. l. 2. c. 5.

ped of all his cloathes, for he suffered <sup>1</sup> naked; the was he fast  
ned vnto the crosse and that commonly with nayles, the  
Greeke word *πρασίνωσις* clearly evinceth as much, we may  
render it *Clanifixio*. Now that the equitie of the proceeding  
might clearly appeare to the people, the cause of his punish-  
ment was written in capirall letters, hence<sup>m</sup> *Dio* speaketh of <sup>m</sup> Vid. Lips de  
a seruant drag'd to the crosse, *μεταγραμμάτων τῶ αἰτίαν*  
*πρὸς δασιανῶσις δηλέρων*, that is, with letters declaring the  
caule of his death. This inscription was called *ἀντίμα*. *Mar.* 27.  
37. It was also called *τίτλος*. *19. 19.* from the latine word  
*titulus* vsed in the same sense. And sometimes *ἐπιγραφή* *πρὸς ἀν-*  
*τίας*. *Mar.* 15. 26. or simply *ἐπιγραφή* *Luc.* 23. 38. <sup>n</sup> *Tertullian*  
& <sup>o</sup> *Suetonius* calleth it *elogium*. The like kinde of publishing  
the cause, either by an inscription, or by the voice of a com-  
mon crier was not vnusuall in other capital punishments; Calig  
as *Attalus* the Martyr was led about the Amphitheatre, *π-*  
*νακος αὐτὸν παραπορεύσας, ἐν ᾧ ἐγέρσαστο ῥωμαῖσι, ὅτι ἐστὶν Ἀγλαδῶν* Euseb. oeccl.  
*ὁ χριστιανός.* i. A table being carried before, in which it was  
written in latine, *This is Attalus the Christian*. That of <sup>q</sup> *Sue-*  
*tonius* his is not much vnlike. *Patrem familias detrahitum ē spe-*  
*ctaculis in arenam, canibus obiecit, cum hoc titulo: Inspecie locu-*  
*ius Parmularius*. What is meant in this place by *Paterfami-*  
*lias* and *Parmularius*, hath bin already declared in the chap-  
ter of *Fencers*. Moreouer such as were to be crucified, they  
were also whipt before they suffered. That same *horrendum*  
*carmen* clearly evinceth as much; the parts whereof are two;  
first *Verbera intra aut extra pumarium*, secondly: *Arbore*  
*infelici suspendito*. This whipping was sometimes *sub furca*, <sup>r</sup> Liv. lib. 1.  
for this <sup>\*</sup> *Valerius* is plaine. *Cum seruum suum verberibus*  
*multatum sub furca ad supplicium egisset:* sometimes *ad co-*  
*lumnam*. *Artemidorus* is cleare in this, *περὶ δεδεῖς λόφον ποδὶ δὲ*  
*ἔλαβε πλῆγας* that is, being tied to the pillar, hee receaued  
many stripes. Happily <sup>f</sup> *Plautus* alludeth to the same.

---- Abducite hunc

Intro atq; adstringite ad columnam fortiter.

Bb

Yea

/ Plaut. Bacch.



z Prudentius  
Hieronym, Be  
da, vid Lipf.  
de cruce l. 2.  
c. 4

u Plaut. Mil.  
2. 6.

x Plaut. Most.  
1. 1. 1.

\* Cel. Rhod.  
1c8, antiq. l.  
10. cap. 5.

Yea the auntient <sup>r</sup> *Fathers* say that our blessed Saviour was thus whipt: touching the place or manner the scripture is silent, only that he was whipt it testifieth, and that with scourges. Τὸν ὃ Ἰησοῦν ῥογαζεν, ὡς παρ' ἑδοχῆν ἵνα σαυρωθῇ *Mat. 27. 26.* This fore-whipping I take to be a matter vñq uestionable, but that they should be whipt on the way towards the place of execution, I much doubt, much more that they should be goaded on the way with pricks and goads, by the Executioner. That there was <sup>u</sup> *stimuleum supplicium*, a kinde of punishment with pricks and goades is evident, and hence cometh that phrase *Stimulo fodere*, and hence that other phrase of *Kicking against the prickles*. Parallel to which is that of *Plaut. Truc. 4. 2. Stimulos pugnæ cadere*. But this kinde of punishment I take to haue beene exercised only by Masters towards euill servants, and that not as preparatory to death, but for their reformation in future times: whence by way of contempt, a seruant thus handled was tearmed *Carnificinium cribrum*, because he had his backe so boared with those pricking instruments, that it looked like a sieue full of holes: Otherwise, if we vnderstand it as a punishment imposed by publique authority, we may say, that thereby is denoted a certaine punishment, exercised towards theeues in time of their examination, that by the pricking and goading of them, the truth might be confessed, <sup>\*</sup> for to that end theeues were thus tortured, and thence were they called *Centrones*, from κεντρον *Stimulus*. Lastly we must remember that these three words *Furca*, *Crux*, and *patibulum*, are many times vsed promiscuously, signifying the whole crosse on which malefactors suffered, but in strict propriety of speech, *Furca* signifieth that forked instrument of which wee treated in the former Chapter: *Crux*, that erect part of the crosse standing vpright: and *Patibulum*, the thwart peece of timber vpon the top of the crosse: yet sometimes also *Patibulum* is taken for the *Roman furca*, whence *Patibulatus* and *Furcifer* are vsed as words æquivalent, and in both senses it may

may borrow its name from *Pateo* to lie open; because as the malefactors hands were spread abroad being fastened to the thwart peece of timber vpon top of the crosse: so were they likewise spread abroad vnder the *Furca*, his two hands being tyed to the two torked ends thereof.

## CAP. 5.

*Carcer, Ergastulum Tullianum, Robur.*  
*Mala mansio, Nerus, Collum-*  
*bar, Numella, Codex.*

**H**owsoever *carcer* & *ergastulum* are vsed promiscuously by moderne writers, yet if we diligently enquire vnto each words origination, and how they haue bene vsed by more auncient authors, wee shall finde them thus differenced. *Ergastulum* was a prison much resembling our house of Correction, into which seruants only were cast: *Carcer* a more publike prison, vnto which men of better ranke & fashion vpon iust occasion were committed: secondly, the power of sentencing any seruant to the *Ergastulum*, was proper and peculiar to the master of the seruant, without approbation from publike authoritie, but the power of committing to the prison called *Carcer*, was onely in the publike magistrate: thirdly *Ergastulum* tooke away only the libertie and pleasure of life: *Carcer* life it selfe. The word *Carcer* hath his name à *coercendo*, from restraining me of their liberty.<sup>a</sup> It had two principal parts, the one called *Tullianum*, the other *Robur*, besides many other roomes <sup>a</sup> Sigon. de tu. wherein men were kept close prisoners, those two places dic. lib. 3. c. 17. were assigned for execution. In that which they called the *Tullianum* (wee may english it Dungeon) they strangled malefactors.<sup>b</sup> It had its name from *Servius Tullius* a Roman <sup>b</sup> Sigon. ibid. King, the first inventor & author thereof. Of this *Salust* writeth, *Est locus in carcere quod Tullianum appellatur ubi paula-*

rim ascēderis ad levam, circiter duodecim pedes humi depressus cum mununt undiq; parietes, atq; insuper camera lapideis fornicibus iuncta, sed inculta tenebris, odore feda, atq; terribilis eius facies est. In that other place which they called commonly *Robur*, sometimes *Robustus Codex*, sometimes *Custodia*

<sup>c</sup> Plau pæn. 5. *lignea*, sometimes *Italum robur*, (our english phrase *strong hold* fitly answereith it) they broke malefactors necks, by a kinde of præcipation or tumbling them headlong, <sup>f</sup> from a certaine stock of a tree fastened there in the earth; vnto this Tully alludeth. *Quæro frgeris ne in carcere cervices illi ipsi* <sup>f</sup> *Uellio*. But more expressely *Plautus*. <sup>8</sup> *At ego faciam vos am- bos in robusto carcere ut pereatis*; those that had the chiefe oversight in such executions were called *Triumviri capitales*, that is *high sheriffs*. The whole proceeding is set downe by *Valerius*. <sup>h</sup> *Mulierem damnatam Prætor Triumviro necandam in carcere tradidit, quam receptam is qui custodia præerat, misericordia motus non protinus strangulavit; aditum etiam filia dedit, sed diligenter excussit, ne quid sibi inferret, existimans futurum, ut inediâ consumeretur; cum vero animadvertisset, filiam matrem lactis sui præsidio sustentantem, rem ad Triumvirum, Triumvir ad Prætor, Prætor ad consilium iudicum per- tulit, et remissionem mulieri impetravit*. It is much controverted among interpreters, what that kinde of punishment was which they tearmed *Malam mansionem*, wee may english it little ease. Some vnderstand hereby a certaine deepe dungeon, made in the forme of a pit or well, called therefore in latine *puteus*; but this as it seemeth by that of *Plautus*, was a punishment proper and peculiar to the euill cookes. <sup>i</sup> *Coqui abstulerunt, comprehendite, vincite, verberate, in puteum condite*. Others vnderstand hereby a close prison, which because of its straightnes & closenes they called *arcam*, a chest, the vse of this prison, was for the safe keeping of such who were after- ward to be examined of farther matters; though sometimes other offenders were cast into the same. Of these prisons Tully speaketh. <sup>k</sup> *Subito arrepti in questionem, tamen se- paran-*

<sup>c</sup> Plau pæn. 5.

3.

<sup>d</sup> Plau. pæn. 5.

6.

<sup>e</sup> Hor. lib. 2.

od. 13.

<sup>f</sup> Turneb. adv.

lib. 23, cap. 21.

<sup>g</sup> Plau in Cur.

c. act. 5, sc. 5.

<sup>h</sup> Valer. l. 5, c.

4.

<sup>i</sup> Plau Aulul.

2. 5.

<sup>k</sup> Cic. pro. Mi.

lone.

parantur à ceteris; & in arcas conjiciuntur, nequis cum his colloqui possit. Another kinde of prison there was called *Sextritium*, thus it is commonly rendred in Latine, but the Greeke word is *στυγιον*, and accordingly <sup>a</sup> *Turnebus* renders it *Sestertium*, being of opinion that it was so called from the quantitie of ground it contained, namely two acres and a halfe: <sup>a</sup> *Turn. adv. lib. 3. cap. 18.* *Rhodginus* thinketh that *Spoliarium* and *Sextritium* were not places unlike, but herein not he alone, but divers others haue bin deceaued: for *Sextritium* is apparently a place of execution, where those were executed whom the Roman Emperours adiudged to death, now whether that *Spoliarium* <sup>b</sup> *Plutarch. in Galba.* were a place of punishment I much doubt. What in Latine we call *Spoliarium*, that the Greeks termed *ἀποστυγιον* both doe signifie primarily little cells or chambers neare adioyning to the bathes, where such as washed themselves laid vp their cloathes: In a borrowing sense both are viēd to signifie chambers and cells adioyning neare vnto the Amphitheatre or fencing place, wherein the fencers did put vp their cloaths in time of fight, and because such as were wounded in fight were carried into those chambers, where they languishing with much paine, at last notwithstanding expired for the most part, & that not without much torturing of the Chirurgion, hence such a spittle-house is also called *Spoliarium*. Thus much *Seneca* seemeth to intimate, <sup>c</sup> *Numquid aliquem tam cupidum vitæ putas, ut in generali in spoliario, quam in arena matul?* <sup>d</sup> *Sen. ep. 94. De spoliario. Vid. Lips. Sat. 1. 9.* Whereby it appeareth, that *Spoliarium* was not a prison vnto which malefactors were iudged, but rather as I said a kinde of spittle-house. Other kinde of punishments, there were of a neare likenesse with imprisonments, and casting into the pillory, laying one by the heeles, &c. of these little is spoken more then the very names; of this sort those that doe most commoly occur in authors, are these. *Nervus*, *Collumbar*, <sup>d</sup> *Vid. Taub. man. in Plau. Aulul. 4. 10. m. Eccl. Vid. Lam. in Plau. Aulul. 4. 10.* *Numella*, *Codex*, *Nervus* is generally thought to resemble our stocks. <sup>m</sup> Some take it to be made of wood, others of yron, <sup>m</sup> *Nervum appellamus ferream vinculum, quo pedes im-*

*pediuntur: quanquam Plautus eo etiam vinciri cervices ait.*  
Two of the last seeme to have some resemblance with our  
Pillory. *Collumbar* had its name from *Collum*, because the  
necke was cheisly pained in this kinde of punishment. *Nu-*  
*mella* was also a kind of Pillory being so called *quasi* *Nu-*

*Turneb. ad. ella, quod qui eo vinculo constricti erant, nuere demissoq; capite*  
vers. l. 23. c. 21. *esse cogebantur.* *Codex* was a certaine blok or clongge, so ti-  
ed vnto the Malefactors, that they vsed it as a stoole to sit on,  
the vse of this may seeme to haue bene only in priuate hou-  
ses, thereby to keepe evill seruants the cloier to their work,  
of this *Iuvenall* speaketh. Sat. 2.

*Turneb. ibid. Horrida quale facit residens in codice pellex.*  
*Turnebus* describeth it thus. *Codex est lignum stipes, quem*  
*alligati servi, qui deliquerant trahebant, cuiq; insidebat vincti.*

## CAP. 6.

## Culem.

**T**He crime which in Latine wee call *Parricidium*, is  
murder practised by father or mother towards the  
children, or by the children towards either of the  
parents. It had in old times a larger acception, signifying any  
murder betweene man and man, and then it was called *Par-*  
*ricidium, quia par parem occiderat.* The word taken in his first  
and proper signification, denoted a fact so vnnaturall, that  
neither *Solon* nor *Romulus* would determine any punish-  
ment against such offenders, because they thought none so  
wicked as to commit it, and the prohibition it selfe might  
proue a kind of irritation, to provoke some to the commis-  
sion of the crime, which otherwise would neuer haue entred  
into their hearts but the wickednes of the aftertimes, enforced  
Lawgiuers to invent a sharpe punishment against such  
vnnaturall offences. The punishment decreed against *Parri-*  
*cides* in *Senecaes* age, was, that such malefactors should be

sowed

*Cic. pro.*  
*Sext. Roscio.*

*Senec. lib. 5.*  
*controv. 4. in*  
*fine.*



sowed vp in a leatherne-sack together with serpents, and so cast into the sea, afterward there was sowed vp in the same sack an ape, and a cock, and at last a dogge. Whence *Inuenal. Satyr. 8.*

*Cuius supplicio non debuit una parari,*

*Simia nec serpens vnus, nec culeus vnus*

*a* *Modestus* describeth the manner thereof thus. The Parricide being first whipt with rods vntill the bloud came, then was he sowed vp in this sack called *Culeus*, together with a dog, a cock, a serpent, and an ape. *b* They would not cast him naked into the sea, least the water thereof thereby might be polluted, wherewith all other pollutions in their opinion were expiated.

*a* Digest. lib. 48. ad legem Pompe de par. ric. vid. Cael. Rhod. lib. 11. cap. 21.  
*b* Cicero pro. Sext. Rosc.

CAP. 7.

*Eculeus. Lamina Vngula. Fiducula exavis Cauda.*

**E** *Culeus* had its determination from *Equus*, quasi *Equuleus*, as may be collected from that description which *c* *Turnebus* giueth. But not so much from the posture or situation of the offenders body on the engine as *Turnebus* would haue it, for he in no wise resembled a man on horsebacke, but rather from the horsing or horsing vp of the party fastened with ropes vnto the *Eculeus*, so that his hands being tied fast at the vpper part of the engine, & his feet at the neather part, he was hoysed vp into the ayre like vnto one fastned on a crosse. The forme of the *Eculeus* I conceaue thus, it was not one entire stake, but rather two long peeces of timber ioyned together in forme of a stake, ioyned together I say, by the meanes of a vice or scrue and the reason hereof was that by helpe of this scrue, the vpper part of the engine might be lifted vp to the racking and torturing of the malefactor, or let downe to the easing and remitting of his paines as should seeme good to the executioner, or other officers, who

*c* Turneb. ad. ver. l. 4. c. 3.

who now and then would grant some remission and respite in hope of a confession. For in the first institution, the maine end of this torture was to worke out the knowledge of the truth. Neither did they alone rack the parties ioints in this kind of punishment, but to enforce him vnto a confession by an augmentation of his paine, they did often with hot plates & yron pinors, burne and teare his flesh from his sides, and all this we shall finde warranted by <sup>d</sup> Sigonius, whose words I haue written downe at large. *Eculeus catasta fuit lignea, cochleata, ad intendendum ac remittendum apta atq; ad torquendos homines ut facti veritas eliceretur instituta. Tormenti vero genus erat huiusmodi, ubi catasta huic brachia pedesq; eius, qui torquendus erat, nervis quibusdam, que fidicula dicebatur alligauerant, sum catasta intenta atq; in altum erecta, ut ex eo quasi ex cruce quadam miser ille penderet, primum compagem ipsam ossium illius disvellebant, deinde candentibus eiusdem corpori laminis admotis, atq; bisulcis ungulis ferreis lateribus laniatis dolores acerbisatem agebant.* And thus wee see what the vse of those *Lamina* and *Vngula* were, namely that they were not severall torments of themselves, but adiuncts to this, to encrease the paine. The *Eculeus* was sometimes called *lignum tortorium*: sometimes *stipes noxialis*. The torturing engine called *Fidicula* was not much unlike: *Fides* signifieth the string of any muscical instrument, and the engine had its name from the strings & cords wherewith men were tortured vpon it; of this *Turnebus* writeth. *Fidiculae que in tormentis numerantur, mihi videntur lascivia quadam ioci nomen inuenisse, quod ut in fidibus nervi item quoq; ut nervi hinc & inde multis funibus homines distendebantur.* The torment *quicquid* vi'd by the *Gratians*, was either this same or very like.

<sup>d</sup> Sigon. de  
Iud. l. 3. c. 18.

e Sozom. hist.  
Eccles. lib. 5.  
f Prudent. in  
hymno Vin.  
cent Martyr.  
g Turneb. adv.  
lib. 4. c. 3.

## CAP. 8.

*De rupe Tarpeia deiectio. De lapide empti. A furca redempti. Scala Gemonia. Tunica. Damnatio in gladium, in Ludum, ad bestias.*

**M**alefactors for notorious offences were tumbled downe headlong from a certaine rocke in the *Tarpeian Mount*: This kinde of punishment was called either simply *Deiectio è saxo*; or *Deiectio è Tarpeia rupe*. In some cases notwithstanding, by the intercessio<sup>n</sup> of friends, or some othe meanes, pardons were sometimes obtained for the condemned persons, whereby they were freed frō death howsoever the disgrace and infamy cleaved euer after vnto them, and therefore they were tearmed *de lapide empti*: which phrase <sup>b</sup> *Cælius Rhodiginus* hath parallel<sup>d</sup> with that, *à furca redempti*, that is, *saued from the gallows*. In the *Aventine Mount* was a place of like nature, called *Scala Gemonia*: certaine stayres wuether condemned persons were dragged, and so cast headlong into the riuer *Tiber*. *Cælius Rhodiginus* seemeth to be of another opinion: <sup>i</sup> who describing this punishment, saith, that an hook was thrust into the malefactors throat, and so hee haled by the Executioner vnto these stayers, where hauing his thighes broken he was burnt. Furthermore he addeth, that they were called *Scala Gemonia*, or *gradus Gemonij*, because, as some are of opinion, the first that suffered this kinde of punishment his name was *Gemonius*: or as others would haue it, becaute it was *locus gemitus*, & *clamitatum*. If wee admit that malefactors were here burnt, then may we thinke this punishment *ad Scalas Gemonias* to be the same, which sometimes was called *Tunica*. The reason of which name was, because persons thus to be burned, were clad with a coat dawbed in the inside with pitch and brim-

<sup>b</sup> Cæli. Rhod.  
ant. l. 15. c. 32.

<sup>i</sup> Cæli. Rhod.  
l. 10. cap. 5.

4 Sen. ep. 14.

1 Tertul. ad  
Mariyr.

m Vid. Lipf.  
Saturn. l. 2. c. 3.  
n Lipf. Satur.  
l. 2. c. 23.

o Alex. ab A.  
lex. l. 3. c. 5.

p A. Gel. l. 5.  
cap. 14.

stone. Thence is that of <sup>k</sup> Seneca, *Cogita illam tunicam alimē-  
tis ignium & illitam & intextam*. This giueth light to that  
of Iuuenal. Sat. 8. *Tunica punire molesta*.

<sup>1</sup> Tertullian also mentioneth it in this sense. To these may bee  
added two other punishments vsually inflicted vpon fugi-  
tive servants, but yet not so restrained vnto them, as that  
they were not sometimes extended to other malefactours.  
The first is *Damnatio in gladium*. A condemning one into a  
fence-school, there to be trained vp in the art of fencing, vn-  
till some publike prizes were plaied, at what time such a con-  
demned person was to fight for his life. <sup>m</sup> Capitolinus calleth  
it *Ad gladij ludum deputationem*. But <sup>n</sup> Ulpian, as <sup>n</sup> Lipsius  
else where observeth, differenceth these two phrases thus. He  
that was *ad gladium damnatus*, was either presently put to  
death, or else at farthest within the compasse of an yeare: but  
he that was *damnatus in ludum*, had not death so perempto-  
rily sentenced vpon him; if he escaped the danger of those pu-  
blike prizes, & alwaies got the vpper hand of his aduersaries,  
at three yeares end, he receaued the *Rudem*, or wand, which  
was a token of discharge from those bloody combats: yea at  
fue yeares end, he receaued the *Pileum*, or cap, which was a  
token of his infranchisement or freedome in the citty. The  
second sort was *Damnatio ad bestias*. A condemning of a mā  
to fight for his life with beasts; as with Beares, Leopards,  
Lions, &c. The persons thus condemned were tearmed <sup>o</sup> *Be-  
stiarj*. A memorable example thereof we haue in a certaine  
Roman servant called *Androclus*, <sup>p</sup> who hauing runne from  
his master liued in a wildernesse, and whiles hee rested him-  
selfe in a denne, there came a fierce Lyon vnto him, moaning  
and grieuing because of a stumpe of a tree which stucke fast  
in his foot; *Androclus* at first beganne to be affrighted, but  
the Lion comming neerer and neerer vnto him, & laying his  
foot on the mans lap, intimated his desire of helpe from him,  
which when the man perceaued, he plucked out the stumpe,  
and gaue him what ease he could. Afterward this fugitiue  
being

being apprehended & adiudged to this punishment, it happened that this very Lion was brought into the shew-place for *Androclm* to fight with, where instead of a fierce onser, the Lion vsed a tame and familiar fawning on him, wherevpon the spectators admired, and vnderstanding the former passages betweene *Androclm* & the Lion, they released the servant and freed him from his punishment. Where wee must note that this pardon was extraordinary: for vsually if any so condemned happened to overthrow a beast or two, yet was he not thereby discharged, but was to encounter with others vntill he were killed. Yea it was very seldome that the man could prevaile against the beast, on the contrary one Lion hath prevailed against two hundred men; according to that *Præclara adilitas, vnus leo ducenti bestiarum*. By which we see many mē one after another did thus fight with beasts at the same meeting: yea the *Grecian*, called such as succeeded the first combatans *ἐπίδους*, the Apostle S. Paul calleth them *ἀγχιτύς*, because they were reserved vntill the last. <sup>q</sup> *Tertullian* readeth that place in this sense, and the words themselves enforce as much, for what shall wee vnderstand by *ἀποφ' ἐπιδουμένων*; but the very spectacle or shew it selfe, and what by *ἀπιδείξω*, which signifieth properly *Ostendit*, but allusion to him who was the chiefe author and exhibiter of these bloody spectacles vnto the people. <sup>†</sup> *Lipsius* hath paralleled that phrase of *Tully*. *Ostendere munus*, with that of *Suetonium*, *proponere munus*; both signifying the setting forth or bestowing the sight of such matteries, and fightings. And that it was no vnvsuall kinde of Martyrdome in times of the primitive Church, thus to expose holy men to the fury and rage of wild beasts, appeareth by the example of *Ignatius*, who reioyced to be grownd betweene the teeth of wild beasts, that he might bee found pure bread. Whose words were <sup>x</sup> *Fruentum sum Christi, & per dentes bestiarum molor, ut mundus panis Dei inveniar*: yea the word *Ἐμδαυαλλός*, *mortis addictos*, helpeth this interpretation: the word intimateth

<sup>q</sup> H. Salmuth.  
in Pæncirol.  
de veter. ludis.

<sup>r</sup> Cic. in orat.  
pro Sallio.  
<sup>s</sup> Suid. in voce.  
<sup>u</sup> *Epsp* 3.  
<sup>t</sup> 1. Cor. 4.9.  
<sup>u</sup> *Tertull.* de  
pudicit.

<sup>†</sup> *Lips.* *Satur*  
lib. 2. cap. 18.

<sup>x</sup> *Itcn.* *advers.*  
*hærel.* 15. c. 28  
*it.* *Euseb.* *hist.*  
*Eccl.* 3. c. 33.



y Suet. Claud.  
cap. 34.

z Senec. ep. 7.

that there was a sure death remained for them also, though the last. The custome being in the morning to commit men with beast, but those *eryalot* which remained till noontide, and were therefore called *Meridiani*, were committed each against other, and that without any defensive weapons, with swords in one hand cutting, and with the other hand being empty, grasping and tearing each others flesh, so that *Seneca* speaking of this, comparing it with that former fighting with beasts, saith: *Quicquid ante pugnatum est, misericordia fuit.*

## CAP. 9.

*Ergastulum, Ergastula inscripta, Pistrinum, Damnari in Aniliam, Metallum, Inscripti, Stigmatici, Literati, Virga, Flagella, Talio.*

THE state and condition of servants was various and different among the *Romans* in old time, but of all they were most miserable who lived in prison. Whence those that were ordinarily employed in these prison services, they were either such servants as were bought for that purpose, or such as for notorious crimes were adjudged thereunto in way of punishment, whence the word *Ergastulum* is justly derived from the Greek *Ἐργαστήριον* because it is τοπος ἐν ᾧ οἱ δούλῳται Ἐργάζονται: *locus in quo vincit operatur.* For even in the day time when they were sent forth to work they had hand shackles & bolts about their legs to prevent their escapes or running away, though not so bigge as those into which they were cast at night when they returned into prison. Their fetters or bolts are oftentimes in ancient writers (peradventure from the forme of their links) tearmed *Annuli* & themselves said to have *pedes Annulatos*. They had also their foreheads marked or burned with some letters of infamy, which is the reason of *Iuvenals* Epitheton. *Inscripta ergastula.*

*Quem*

*Quem mirè adficiunt in scripta ergastula.* The labours in which they were imployed, were sometimes digging, deluing, and tilling the ground: sometimes digging of quarry pits, sometimes grinding with an handmill, sometimes drawing water: this latter kinde of punishment in <sup>m</sup> *Suetonius* his phrase is *In Antliam dampnari*. Those Criticks who for the word *Antlia* doe substitute *Anticyra*, or *Andia*, or such like names of Ilands, doe vtterly faile of the Authors scope, and drift; for the punishment which *Suetonius* speaketh of, is some strange or vnusuall punishment: now seeing that Senatours themselues were often exiled, it could not seeme stranger that *Roman* knights should bee banished into forreigne lands. But this was a matter vnusuall, and vnheard of, that a *Roman* knight should be imployed in such drudgeries. Again the word *Antlia* fitly denoteth such a kinde of labour, whether we respect its Etymology ἀντὶ τοῦ ἀντλᾶν; or its signification in Latine authors, it being vsed by them to signifie a great bucket, or water-scoupe to draw vp water. Thus *Martial*. *Cura laboratas antlia tollit aquas.* The handmill is often expressed by the latine word *pistrinum*, a word frequent in Comickall Authors. It much resembled our *Bide-well* or place of correction, being called *pistrinum* à *pinfendo*, from pounding. For before the vse of mills was knowne, the *Romans* did pound their corne in a great mortar, calling the place where they pounded it *pistrinum*: wherevpon our hand-mill hath retained the same name to this day. And because of the great paines that men did suffer in pounding, as likewise the strict discipline vsed towards servants thus punished (for<sup>n</sup> their neck was thrust into a certaine wooden engine called *pauis cape*, made for the purpose least happily in time of grinding they might eat of the meale) hence grew a custome among them, that when a servant had offended his master, he would menace him in this manner. *In pistrinum te dedam.* I will cast thee into *Bide-well*. The punishment *Metallum* was not much vnlike: the digging in Met-

<sup>m</sup> *Suet. Tiber.*  
cap. 51.

<sup>n</sup> *Turnadv.*  
lib. 4. cap. 13.

o Vid. Cael.  
Rhodig. l. 10.  
cap. 5.

p Tertul. apo-  
log. cap. 44.

q Plin. l. 18.  
c. 5.

r Cael. Rhod.  
l. 7. c. 13.

tall-mines, & working in metall houses, appeareth not on-  
ly to have bene a base and servile, but also a very laborious  
and painefull worke; whence it was esteemed a grievous pu-  
nishment to be adiudged to Metall workes, or cast into a  
Metall-house. And either for the encrease of such mens  
paines, or for to keepe the from escapes, they were enforced  
to worke with their fetters and geiues about them, as is im-  
plied by *Vlpian* o who makes the difference betweene these  
two phrases: *Damnari in metallum*, and *Damnari in opus me-  
talli*, to be thus; that the first sort did weare heavier & grea-  
ter fetters then the last. How true the difference is I leave it  
to the enquiry of others, but that it was a great and infama-  
mous punishment p *Tertullian* witnesseth, in that speech of  
his against the Heathen people. *De vestris semper astuat car-  
cer, de vestris semper metalla suspirant*. Sometimes there was  
only ignominy and disgrace intended in their punishments,  
of which sort was the bearing vp and down the *Roman Fur-  
ca* in the market place, or elsewhere in publike view, where-  
of I haue spoken in the chapter *Furca*, likewise a branding of  
the Malefactor with some infamous letter in his forehead  
or hand, or some other part of the body. Whence q *Pliny*  
calleth such servants *Inscriptos*. Generally they are called  
*Stigmatisci* from *σῖγμα*, which signifieth to brand with marks;  
As *Nebulo stigmaticus*, A rogue burnt in the hand; or any  
way marked; sometimes such are called *Literati*. The *Athe-  
nians* being enemies to the *Samijs*, as often as they took them  
captiues, they did vse thus to burne them for Rogues which  
occasioned that proverbiall scomme; *Samijs neminem esse li-  
teratorem*.

Sometimes besides the disgrace there was also toilesome  
paines as appeared by their *Ergastula*; & sometimes to their  
paines stripes added: though I deny not, but that many  
times, correction with stripes was a preparation for death it  
selfe. This correction by stripes was twofold, either it was  
*Verberatio*, or *Flagellatio*: the first was with rods called  
*Virga*

*Virga*; the other with scourges called *Flagella*. That there was a difference betwene *Virga* and *Flagella*, is plainly by Tully, where by way of Irony he saith, *Porcia lex virgas ab omnium civium corpore amovit; hic misericors flagella retulit*. Both of them were counted servile, so that Freemen were ordinarily exempted from them, as appeareth.<sup>m</sup>

<sup>m</sup> Ter. Adelphi  
Act. 2, scen. 1.

--- *Ad necem operire loris. Sann. loris liber?*

Horace also intimating the servile condition of *Mena* saith:

<sup>n</sup> *Sectus flagellis hic triumphabilibus.*

<sup>n</sup> Epod. ed.

They are called *Flagella triumviralia*, from those *Triumviri* who formerly I translated *Shreiffes*, because to them belonged the oversight of this punishment. *Eustathius* calleth them *απαλαγνής μάστιγας*, id est, *Flagra talaria*, seu *taxillata*, because to augment the paines, they did usually in these scourges tye certaine hucklebones or plummets of lead at the end of the whip-cords or thongs, and such scourges they tearmed *scorpiones*. The cruelty of the scourges was such that they many times died vnder them. Thus have we generally and briefly touched the more viuall punishments. But sometimes wrongs done betwene party and party, were punished with a retaliation of the same kinde: according to that. *A tooth for a tooth, and an eye for an eye*. And this kinde of punishing was called *Talis*. Yet wee are to knowe that a simple retaliation, such as is tearmed *Talis Pythagorica*, was not alwaies exacted; but sometimes satisfaction might be wrought by a commutation of the punishment. <sup>o</sup> *Rem habuit facultatem paciscendi, & non necesse habuit pati talionem, nisi eam elegisset*. It were endlesse to speake of the punishment, and happily not worth the labour, their very names being sufficient comments two explaine them. As *Effossio oculorum*, *Amputatio manuum*, *crurifragium*, *Talisfragium*, and such like.

<sup>o</sup> Tholof. in sy.  
iur. vnivers.  
ca. 11. lib. 31.

<sup>o</sup> A. Gell. 11.  
cap. 1.



## LIB. 3. SECT. 4.

*Of the Roman Lawes.*

## CAP. 1.

*De Legibus.*

Having spoken of the civill Magistrates, and punishment, we will now also descend vnto the civill law: where first we will note among other differences betweene *Ius* and *Lex* principally these. First, *Lex* signifieth only the law, but *Ius* signifieth also that place, wheresoeuer the Law or Iustice was administred: not only if it were administred out of the Tribunall in the *Comitio*, or great hall of Iustice, which was tearmed by the Lawyers, *Agere pro Tribunali*: but also if it were administred in a private house or in ones iourney, so that it were by a lawfull Magistrate, and out of the curule chaire; and this was tearmed by the Lawyers, *Agere de P. ano*: and hence is it, that *In ius vocare* signifieth to cite one into the court. Secondly, *Lex* signifieth only the written law, but *Ius* signifieth equity, so that *Ius* *permaneat semper, nec unquam mutetur: Lex vero scripta sapius*. Notwithstanding these two words are vsed promiscuously one for the other, and therefore leauing all curious differences betweene those words (whether the

*Roman*

*a* Sig. de iud.  
l. 1. c. 7.

*b* Fr. Sylv. in  
orat. pro Mil.



Roman lawes were truly *lura* or *Leges* (thus much wee may obserue that the lawes vsed among them were of three sorts; either they were such as were made by severall Roman kings, and afterwards collected and digested into a method by *Papirius*,<sup>e</sup> from whence it was called *Ius Papirianum*: or they were such as the *Decemviri* brought from *Athens*, and were called *Leges 12 tabularum*: or lastly they were such as the *consuls*, the *Tribuni Plebis*, and such Magistrates did prescribe, whence every severall law bore the name of him or them that preferred it. My purpose is to expaine only this latter sort, and that not all of them, but such alone as I have obserued in *Tully*, and that chiefly in his orations. My proceeding shall be first to shew the diuers kinds of iudgments; and then to descend vnto the lawes themselves, beginning with those which shall concerne the *Roman* religion, and then proceeding to the others, which concerne the commonwealth.

<sup>e</sup> Fr. Silv. in epist. virorum illust. l. 5. cap. 11.

## CAP. 2.

*De Iure publico & privato.*

**T**He cases to bee decided by the law were either publike or private, and accordingly were the iudgments, <sup>d</sup> *vel privata in quibus ius suum privatus quisq; persequabatur: vel publica, in quibus iniuria qua reip. facta erat vindicabatur.* The private (as we obserue before) belonged vnto the *Prætori urbano & peregrino* that is, the *Læchiste* Iustices, who did either giue iudgment themselves, and then were they said *iud care*, or they did appoint others to sit in iudgement, and then were they said *iudicium dare*: in the absence of the *Prætors* there were ten called *Decemviri Stitibus iudicandis*, <sup>f</sup> *id est, Super lites iudicandas*, who in the same manner as the *Prætor*, might either giue iudgment themselves, or appoint others, for they were euen in one place

<sup>d</sup> Sig de iure Rom. l. 2. c. 18

<sup>e</sup> Sig de iud. lib. 1. c. 7.  
<sup>f</sup> Rosin. ant. l. 7. c. 29.  
<sup>g</sup> Alex. Gendier. l. 3. c. 16.

D d

and

and instead of *Prators*. Those which either the *Prator* or the *Decemviri* did appoint to debate the cases vnder them, were taken out of the *Centumviri*; that is, <sup>h</sup> out of certaine Commissioners chosen for that purpose; namely three out of euery Tribe or ward; so that in all, the number of them amounted vnto an hundred and five, but in round reckoning they went for an hundred; and from a certaine speare that was wont to be erected vp in token of this court, hence was the Court called either *Pratoria Decemvialis*, or *Centumvialis* *hastis*. In some cases their forme of acquittance was thus: <sup>k</sup> *Secundū illum litem do*, whence Tully saith, *quo minus secundum eos lis datur, non recusamus*, that is, we doe not deny, but they may be acquitted. Those that were cast in their suit, were said, *Lite vel cansa cadere*. The publike cases belonged ordinarily (except the *Consuls*, the *Senate*, or the people did interpose their authority) vnto those whom we called *Pratores Quasitores*. Some haue <sup>m</sup> thought them to bee the same with those, whom *Rosinus* calleth *Iudices Quaestionum* and that I thinke not altogether vpon vn sure grounds: first because most of these publike cases which they tearmed *Quaestiones*, had their <sup>n</sup> severall *Prators* to enquire them, whence they were called *Quasitores*, & may in my opinion be called *Iudices Quaestionum*, especially seeing that those which would haue them bee different officers, cannot well shew the differences of their offices. Now as the *Urban Prator* had an hundred commissioners vnder him: so had these *Pratores Quasitores* certaine Iudges chosen <sup>o</sup> by the *Urban* or *forreigne Prator*, when he tooke his oath; and that not according to his pleasure as many as hee would, or whom hee would, but sometimes more, sometimes fewer, sometimes only out of the *Senators*, sometimes only out of the order of *Roman Gentlemen*, sometimes out of both, sometimes also out of other orders, according as the law appointed, which oftentimes varied in those points. The Iudges how great so ever the number was, were called *Iudices selecti*, & were di-  
vided

<sup>h</sup> Per Ramus.  
in 2 m de lege  
Agrar.

<sup>i</sup> Sid de iud lib  
1. c. 18.  
<sup>k</sup> Sic de iud.  
lib. 1. c. 29.  
<sup>l</sup> Cic. pro.  
Quin. Roscio.

<sup>m</sup> Rosin ant.  
lib. 2. c. 18.

<sup>n</sup> Sig. de iud.  
lib. 2. c. 4.

<sup>o</sup> Sig de iud.  
lib. 2. c. 6.

<sup>p</sup> Sig. ibid.  
<sup>q</sup> Sig de iur.  
Rom. 1. 2. c. 18.

vided into severall companies called *Dacuria*. These Iudges were vpon any citation from any of the *Pretors*, to giue their assistance in the Court vpon the day appointed by the *Pretor*. Now the manner how they did proceed in their iudgment followeth in the exposition of one of the Lawes, and therefore I will refer the reader thither. Only let him by the way vnderstand, that whereas *Tully* is quoted in every law, it is not so much for the prooue of the law, as to signifie, that he in that place maketh mention thereof. For the prooue of the lawes I referre the reader to *Rosinus* and *Sigonius*: touching the expositions, my marginall quotations doe proue sufficient.

## CAP. 3.

*De legibus religionem spectantibus.*

*Lex papiria.*

**L** *Papirius Trib. Pleb.* established a law touching the consecration or hallowing of places, that it should be vnlawfull for any to consecrate either houses, groüds, altars, or any other things *Iniusu plebis*, that is, without the determination of the *Roman* people in their assemblies called *Comitia Tributa*, which determination was alwaies termed *Plebiscitum*. Cic. pro Domo.

*Roscia Lex.*

*L. Roscius Otho. Trib. Pleb.* preferred a law, that whereas heretofore the *Roman* Gentlemen did stand promiscuously with the commons at their theatrall shewes, now there should bee foueteene benches or seats built for those *Roman* Gentlemen which were worth *H. S. quadraginta*, that is about 3125<sup>l</sup>. of our *English* mony. As for other Gentlemen whose substance was vnder the rate, they had a certaine place allotted them by themselves, with a punishment imposed vpon them, if they offered to come into any of those 14. benches. Cic. Philip. 2.  
Item pro Murræ.

r Fr. Matur.  
in Philip. 2.

f Chr. Hegen-  
dorphius in  
Verinam 1.

t P. Nannius  
in Verrin. 5.  
u Ch. Hegen-  
dorphius in  
Verrin. 5. m.

Here we must note that this character H. S. standeth for a siluer coyne in Rome called *Sestertius*, and is by *Rosinus* in this place improperly vsed for *Sestertium*. For this character H. S. is by our printers false printed, the true character being L. L. S. signifying *duas libras*; as the two L. L. doe intimate) & *Semissem*, which is intimated by the letter S. Where if *Libra* doth signifie no more then the Roman coyne called A S, then is this opinion touching the character. L. L. S. easie to be confirmed. For diuers authors rendering a reason of the name *Sestertius*, say it was so called *quasi Semitertius*, hat is, such a coyne as conteineth *Duos solidos asse & semissem*. This *Sestertius*, was such a common coyne among the Romans, that *Nummus* and *Sestertius* became at length one to be vsed for the other; "*Mille huiusmodi sestertii vel nummi faciunt unum sestertium in neutro genere, & consciunt plus minus viginti quinque coronas*. According to which rate, *quadringenta sestertia* amounteth to 3125; and euery particular *sestertius* is according to this rate, in value three halfe-pence farthing q.

And here wee may fitly obserue the art of numbring by these *Sestercies*, which consisteth in three rules. First, if the numerall or word that denoteth the number be a nounce-adiectiue agreeing in case gender & number with the substantiue *Sestertius*, then it signifieth precisely so many *Sestertii*. For example sake, *Decem sestertii* doe signifie so many times *id ob q<sup>a</sup> q.* Secondly if the numerall being an adiectiue, and of a different case, be ioyned with *Sestertium* in the genitiue case plurall, then doth it note so many thousand *Sestertii*. For example, *Decem sestertium* signifieth ten times *7<sup>1</sup> 16<sup>1</sup> 3<sup>d</sup>*. Thirdly if the numerall ioyned with *Sestertiū* be an adverb, then it signifieth so many hundred thousand *Sestertii*, *ex gra: Decies sestertium*, doe signifie ten hundred times *7<sup>1</sup> 16<sup>1</sup> 3<sup>d</sup>*. Yea the numerall being an adverb, is sometimes but simply by it selfe, without the addition of any other word to signifie in the same manner, the genitiue case *Sestertiū* being vnderstood.

stood. For the better conceauing hereof, the former exampl<sup>e</sup> may be thus set downe.

Decē sēstertii.	} valent	} 10 Sēstertios	} De nostro	} { 0000 <sup>l</sup> 01 <sup>f</sup> 6 <sup>d</sup> 06 <sup>q</sup> 2 <sup>a</sup>
Decē sēster- tium				
Decies sēster- tium				
Decies				
		10 Millia sēstertium		0078 02 6 0 0
		10 Centena		
		Millia		
		Sēstertium		7812 10 0 0 0

*Clodia lex.*

*Publius Clodius Trib. Pleb.* made a law, by vertue where- of the Priest called *Pessinuntius sacerdos* (from the place where he did first exercise those holy rites in the honour of the mother Goddesse) should be deprived of his Priesthood, and the Temple built in the honour of this Goddesse should be bestowed vpon *Brotigarum*, of *Gallo Gratia*. Cic. pro Sext. item de Arusp. respon.

*Domitia lex.*

*Cn. Domitius Ahenobarbus Trib. Pleb.* enacted a law, that the Colledges of priests should not as they were wont, admit whom they would into the order of Priesthood, but it should be in the power of the people. And because it was contrary to their religion, that Church-dignities should be bestowed by the common people, hence did he ordaine, that the lesser part of the people, namely seauenteene Tribes should elect whom they thought fit. and afterward hee should haue his confirmation or admission from the Colledge. Cic. Agrar.

*Lex incerti nominis de vacatione sacerdotum.*

*Cicero* in his orations mentioneth a law (not naming the author thereof) whereby the Priests were priuiledged from their service in all warres, except onely in vproares or civill tumults. \*And these priuiledges were tearmed *Vacationes*, Cic. Philip. 8. & pro Font.

r B Latomus.

in Philip. v.



## CAP. 4.

*De Civitate, & iure civium Rom.*Cic pro Rabir.  
& saepe alias.*Forcialex de civitate.*

**M** *Forcius Trib. Pleb.* established a law, that no Magistrate should beate any *Roman* Cittizen with roddes.

*Lex Sempronia.*

Cic pro Cluentio, &amp; saepe alias.

*C. Sempronius Gracchus Trib. Pleb.* preferred a law whereby hee disabled the Magistrate from punishing any *Roman* Cittizen, either with rods, or with his axe, that is, with death; without the allowance of the people. Secondly, by vertue of this law, If any Magistrate did condemne any *Roman* Cittizē *Indicta causa* he should be liable to the iudgment and censure of the people. A third clause to this law was. *Ne quis coiret, conveniret, quo quis iudicio publico circumveniretur Indicta causa.* He was said to bee condemned *causa indicta*, which was condemned before hee had spoken for himselfe. Although *Indicere pro non dicere, sicut & invidere pro non videre vix reperiatur, tamen indictū & invisum, pro non dicto & non viso saepe reperiuntur.* <sup>2</sup> They were properly said *Coire*; which did worke vnderhand against a man, that he might be condemned; we may translate it in this place, to Conspire. <sup>3</sup> The verbe *Circumvenio* doth commonly signifie as much as *circumscribo*, to deceave or cheate one: but in this place to oppresse one with false iudgment, procured by bribery or confederacy.

y P. Ramus in orat pro Rabirio.

z Fr. Silv. in orat pro Cluentio.

a I Camerat in orat Cic pro L. Flacco.

b Fr. Silv. in orat pro Cluentio.

Cic pro Balb.

*Lex Papia de peregrinis.*

The priviledges of the *Roman* Cittizens became so great, that almost all the inhabitants of the confederate nations, would forsake their owne dwellings, and vse meanes to become free denisons in the *Roman* Citty; insomuch that the Embassadours of the Allies, and associates, did grieve much and

& complaine of the losse of their inhabitants: wherevpon a law was made by *Papius*, that all foreigners & strange comers should be expelled out of the Citty. To the same effect was *Lex Iunia*, and also *Licinia Mutia de peregrinis*: the first being preferred by *Mar. Iunio Pennus*, the second by *L. Licinius Crassus*, and *Q. Murrus Scaevola*. Cic. offic. l. 3.

*Servilia lex de civitate*:

*C. Servilius Glaucia* preferred a law, *Ut si quis Latinus*, if Cic. pro Balb any of the Latine associates could proue an action of bribery against a *Senator*, then should he be made a free-man of the Citty.

*Quis Latinus*] Here wee will obserue with *Sigonius*, that *c. Sig. de iura* the Latine people were not alwaies called *Latini* & *Italici*: *Ital.* l. 1. c. 2. *Sed & socij & Latini socij & socij nominis Latini, & socij nomenq. Latinum, & socij ab nomine Latino, & socij ac Latinum dicti sunt*.

*Sylvani & Carbonis lex de peregrinis*.

*Sylvanus* and *Carbo* being *Tribuni Pl.* preferred a law, *ut* Cic pro Ar. *qui federatis civitatibus adscripti essent, si tum, cum lex ferebatur, in Italia domicilium habuissent, ac sexaginta diebus apud prætorem professi essent, cives Romani essent.*

*Adscripti*.) For the right understanding hereof we must note that there were two sorts of cittyzens; some *cives nati*, that is, cittyzens by birth, others *civitate donati*, that is, cittyzens orat pro lege, by donation, or gift: who because they were added vnto, and Manil. registred with the first sort of cittyzens, were thence called *Adscripti cives*.

*Professi apud prætorem*.) This verbe *profiteri* is sometimes *comitiale verbum*, and signifieth as much as *profiteri nomen*, *c. P. Ramus* in that is, to render ones name vnto a Magistrate: and this construction it beareth in this place. or, Cic. Agrar. 2.

*Cornelia de Municipijs*.

*L. Cornelius Sylla* preferred a law, that all *Municipall* Cic. pro Do- mo. states should loose their freedome in the *Roman* citty, and also their priviledge of hauing commons in the *Roman* field.

*Gellia*.

Gellia Cornelia lex.

*L. Gellius Publicola, & Cn. Cornelius Lentulus* being consuls decreed a law, that all those private persons vpon whom  
 Cic. pro Balb. *Cn. Pompeius* in his wisdom should bestow the freedome of the Roman cittyzens, should euer be accounted free denizens.

CAP. I.

De legibus ad comitia spectantibus.

Alia lex.

Cic multis in locis.

**Q** *Albius Petus* asked a law in time of his Consulship, *ut quoties cum populo ageretur*, that is, as often as any Roman Magistrate did assemble the people to giue their voices, the *Augures* should obserue signes and tokens in the firmament, & the magistrate should haue power *obnunciandi, & intercedendi*, that is, to gainsay and hinder their proceedings.

f Agel. l. 19.  
24. cap.

*Ageretur cum populo.* Here we may note the difference betweene these two phrales, *Agere cum populo*, and *Agere ad populum*, He was said *Agere ad populum*, whoſoeuer made any speech or oration vnto the people, and this might bee done vpon any day indifferently. But then onely was it said *Agere cum populo*, when the people were assembled to the giuing of their voices by a lawfull Magistrate, and the people were demaunded that their opinion was in the matter proposed: and this could not bee done, & but vpon one of those daies which they called *Dies Comitiales*.

g Bersman. de  
 vet. dier. ratio-  
 ne ad finem.  
 Ouid. Fast.  
 Cic in suis o-  
 rat saepe.

Fustal lex.

*Pub. Furius sine Fustius Philus.* being consul ordained a law, that vpon some certaine daies, although they were *dies Fasti* that is, Leet-daies, yet no Magistrate should summon an assembly.

clodia

*Clodia lex.*

Cic. pro Sext.

*P. Clodius Trib. Pl.* abrogated both those former lawes, making it vnlawfull to obserue signes and tokens in the heauens, vpon those daies when the *Roman* people were to bee assembled: And secondly, making it lawfull to assemble the people vpon any Leet-day whatsoever.

*Gabinia lex.*

Cic. 3. de leg.

At first, for many yeares the *Roman* people in their assemblies did suffrage *Vina voce*: at which time many of the inferiour sort, gave their voices contrary to their wills, fearing the displeasure of those that were of higher place. For the better helpe in this point, *Gabinus* asked a law, that the people in all their elections might not suffrage *Vina voce*, but by giuing vp certaine tablets the manner whereof hath beene formerly shewne: whence both this, and all other lawes tending to this purpose haue beene called *Leges tabellariae*.

*Cassia lex.*

Cic. in Lælio.

After *Gabinus*, *Cassius* also preferred a law, that both the Iudges in their iudgements, and the people in their assemblies should suffrage by rendring such tablets: <sup>a</sup> but this is to bee vnderstood onely of those assemblies by wards called *Comitia Tributa*: wherein they treated of mulcts and mercements,

<sup>b</sup> Rosin. antiq. lib. 8. c. 3.

*Cælia lex.*

Cic. 3. de leg.

*Cælius Trib. Pl.* established a law, that not only in mulcts and mercements, but also *In perduellionis iudicio*, that is, in taintments of reason against any person of state (namely such as were *sacro sancti*) or against the common-weale, this *Tabellary* liberty should haue place, when the people should iudge thereof.

*In perduellionis iud.* [<sup>i</sup> This word *perduellis* doth signifie an enimie vnto the state, a traitour: and hence commeth this word *perduellio*, signifying not only the crime of treason, but the punishment also due thereunto, <sup>k</sup> *Si crimen quod erat gra-*

<sup>i</sup> Cælius Sec. Curio in orat. pro Milone.  
<sup>k</sup> Sig. de iud. lib. 3. c. 3.

*Gellia Cornelia lex.*

*L. Gellius Publicola*, & *Cn. Cornelius Lentulus* being consuls decreed a law, that all those private persons vpo whom  
 Cic. pro Balb. *Cn. Pompeius* in his wisdom should bestow the freedome of the Roman cittizene, should euer be accounted free deni-  
 sons.

## CAP. V.

*De legibus ad comitia spectantibus.**Alia lex.*

Cic multis in  
 locis,

**Q** *Albius Petus* asked a law in time of his consul-  
 ship, *ut quoties cum populo ageretur*, that is, as often  
 as any Roman Magistrate did assemble the people  
 to giue their voices, the *Augures* should obserue signes and  
 tokens in the firmament, & the magistrate should haue pow-  
 er *obnunciandi*, & *intercedendi*, that is, to gainsay and hinder  
 their proceedings.

f Agel. l. 13.  
 14. cap.

*Ageretur cum populo.* Here we may note the difference  
 betweene these two phrales, *Agere cum populo*, and *Agere ad  
 populum*, He was said *Agere ad populum*, whosoever made  
 any speech or oration vnto the people, and this might bee  
 done vpon any day indifferently. But then onely was it said  
*Agere cum populo*, when the people were assembled to the gi-  
 ving of their voices by a lawfull Magistrate, and the people  
 were demaunded that their opinion was in the matter pro-  
 posed: and this could not bee done, & but vpon one of those  
 daies which they called *Dies Comitiales*.

g Bersman, de  
 vet. dier. ratio-  
 ne ad finem.  
 Ouid. Fast.  
 Cic in suis o-  
 rat saepe.

*Fusula lex.*

*Pub. Furius sine Fusius Philus*, being consul ordained a  
 law, that vpon some certaine daies, although they were *dies  
 Fasti* that is, Leet. daies, yet no Magistrate should summon  
 an assembly.

*clodia*



*Clodia lex.*

*P. Clodius Trib. Pl.* abrogated both those former lawes, making it vnlawfull to obserue signes and tokens in the heauens, vpon those daies when the *Roman* people were to bee assembled: And secondly, making it lawfull to assemble the people vpon any Leet-day whatsoever.

Cic, pro Sext.

*Gabinia lex.*

At first, for many yeares the *Roman* people in their assemblies did suffrage *Vna voce*: at which time many of the inferiour sort, gave their voices contrary to their wills, fearing the displeasure of those that were of higher place. For the better helpe in this point, *Gabinus* asked a law, that the people in all their elections might not suffrage *Vna voce*, but by giuing vp certaine tablets the manner whereof hath bene formerly shewne: whence both this, and all other lawes tending to this purpose haue bene called *Leges tabellariae*.

Cic. 3. de leg.

*Cassia lex.*

After *Gabinus*, *Cassius* also preferred a law, that both the Iudges in their iudgements, and the people in their assemblies should suffrage by rendring such tablets: <sup>h</sup> but this is to bee vnderstood onely of those assemblies by wards called *Comitia Tributa*: wherein they treated of mulcts and mercements,

Cic. in Lælio.

<sup>b</sup> Rosin. antiq. lib. 8. c. 3.

*Cælia lex.*

*Cælius Trib. Pl.* established a law, that not only in mulcts and mercements, but also *In perduellionis iudicio*, that is, in taintments of reason against any person of state (namely such as were *sacro sancti*) or against the common-weale, this *Tabellary* liberty should haue place, when the people should iudge thereof.

Cic. 3. de leg.

*In perduellionis iud.* [<sup>i</sup> This word *perduellis* doth signifie an enimie vnto the state, a traitour: and hence commeth this word *perduellio*, signifying not only the crime of treason, but the punishment also due thereunto, <sup>k</sup> *Scilicet crimen quod erat gravissimum*.

<sup>i</sup> Cælius Sec. Curio in orat. pro Milone.  
<sup>k</sup> Sig. de iud. lib. 3. c. 3.

*visissimum inter crimina, nempe imminuta maiestatis: si pœna, qua erat acerbissima, nempe mortis.*

*Papiria lex.*

Cic. de leg. 3. C. *Papirius Carbo Trib. Pl.* perswaded that not onely in their elections, but in the proposall of their lawes also, this suffraging by tablets should be used.

*Sempronia lex.*

Cic. multis in locis. C. *Sempronius Gracchus Trib. Pleb.* preferred a law, that the Associates of *Latium* should haue as great right of suffraging, as the *Roman* citizens.

*Manilia lex.*

Cic. pro Mur. C. *Manilius Trib. Pl.* preferred a law, that all those who were *Libertini*, in what tribe or Ward soever, should haue the right of suffraging.

CAP. 6.

*De Senatu & Senatoribus.*

*Claudia lex.*

Cic. Verrin. 7. **Q** *Claudius Trib. Pleb.* perswaded a law that no *Senator* or *Senators* father, should haue any shippe, which should containe aboue three hundred of those measures called *Amphora* deeming that sufficient for the transportation of their come from the *Roman* field. Secondly, by this law the *Senators* were forbidden the use of trading.

*Amphora*,] *Alexander Neopol.* obserueth two sorts of these measures, namely *Amphora Italica* containing 2 *Vrnas* & *Amphora Attica* containing 3 *Vrnas*: every *urna* contained two gallons and a pottle. This in probability is vnderstood of the *Italian Amphora*.

*Tullia lex.*

Cic. Philip. 1. When as a custome had growne, that many of the *Senators* hauing by speciall fauour obtained *Liberam legationem*, vpon

upon all occasions would abuse that their authority, procuring thereby their priuate gaine, & the increafe of their owne honour, then *M. Tullius Cic.* being *Consul* laboured, quite to take away these kindes of embassages, which though hee could not effect, yet thus farre he prevailed; That whereas in former times this *Libera legatio* being once obtained, was neuer (not through a mans whole life) taken from him againe, yet afterward this authority should neuer bee granted to any longer, then the space of one yeare.

*Legatio Libera.* We may obserue in ancient authors three severall kindes of embassages. The one, which is a message sent from the Prince or chiefe governours of one country vnto another, and that is expressed commonly by this one word *Legatio*, without any addition therevnto; sometimes it is called *Legatio mandata*. The second, which is when one purchaseth the title of an Embassadour, thereby the more honourably to performe some vow made, whence it was called *Legatio votina*. The third is the office or title of an Embassadour, granted vpon speciall fauour vnto a *Senator*, that hee might with the greater authority prosecute his private suits in law, or gather vphis debts in that Province whether he went, this last was tearmed *Legatio libera*. All three sorts are briefly touched by *M. Tullius*.

*M. Tullius*  
in orat. *Phil.* I.

## CAP 7.

## De Magistratibus.

**L** Cornelius Sylla being Dictator, made a law, that all such as would follow him in the ciuill warre, should bee capable of any office or magistracy before they came vnto their full yeares. A second part of this law was, that the children of such as were *proscripti*, should be made vncapable of the *Roman* magistracies.

*Cic.* in *Pison.*

Ee 2

Before

Before they came to their full age. ] For *L. Villius* preferred a law, whereby he made such as were vnder age, to bee vncapable of the city preferments: and those he accounted vnder age, who had not attained vnto that number of yeares which he had prescribed each seuerall office: <sup>n</sup> and this law was tearmed *lex annalis*.

<sup>n</sup> P. Ramus in  
Agrar. 2.

*Proscripti* were such persons as were banished. For the fuller vnderstanding, looke Proscription in the tract of punishments. *Iulius Caesar* did contrary to this law. *Admisit ad honores & proscriptorum liberos. Sueton. Iul. 41.*

*Hircia lex.*

Cic. Phil. 13. *A. Hircius* made a law, that all those that followed *Pompey*, should bee made vncapable of all places of office.

*Cornelia lex.*

Cic. Phil. 2.

*L. Cornelius Sylla* finding the *Pratores*, that is, the L. chiefe Iustices not to giue sentence alwaies according to equitie, yea sometimes to goe quite contrary to their owne Edi&, made a law, that every L. chiefe-Iustice should administer iustice according to that his first Edi&, hanged vp at the beginning of his office. And addition vnto this law was, that the L. chiefe-Iustice should not bee absent out of the city aboue ten daies.

*Clodia lex.*

Cic. pro Sext. In former times it was lawfull for either of the *Censors* to censure whom he pleased, and how he pleased, except his fellow *Censors* did plainly gainesay it, and make opposition therein. But many abusing this their authority. *P. Clodius Trib. Pl.* made a law, that the *Censors* should not ouerskippe any in their election of *Senatours*; neither should they brand any with disgrace, except such as had beene accused vnto them, and beene condemned by them both.

*Valeria lex.*

Cic. Verrin. 4. The office of a *Dictator* at the first institution continued but six months space, vntill *L. Valerius Flaccus* being *Inter-*  
rex

rex; in the vacancy of the *Consuls* preferred a law, that *L. cornelius Sylla* should be a perpetuall *Dictator*.

*Cornelia lex.*

*L. Cornelius Sylla* in the time of his *Dictatorship*, did by vertue of a law preferred by him, clip the authority of the *Tribuni Pl.* disabling them of bearing any office after the expiration of their *Tribuneship*, taking away their authority of preferring lawes, of vsing any solemne speech, or publike oration vnto the people, of hearing appeales, of hindring any statute, or decree tending to the hurt of the populacy. Cic. 3. de leg.

CAP. 8.

*De Legibus.*

*Cacilia Dedia lex.*

**Q** *Cæcilium Metellum*, & *Titum Didium* being *Consuls*, forbade that *Vnaro gatione*, that is, in one and the same bill many things should be proposed vnto the people: least by that meanes, the people by granting the whole bill, might grant something which they would not, or in denying the whole bill, might deny some particular clause which by it selfe they would haue accepted. Moreouer these two *Consuls* ordained, that before a law should be asked in the assemblies it should be promulged, that is, hanged vp to the publike view of the people three market daies.

*Iunia Licinia lex de trinuindino.*

*Iunius Silanus*, and *L. Licinius Murana* being *Consuls* established that law of *Cæcilium* & *Didium*, annexing a more severe punishment for the breakers thereof. Cic. Philip. 5.

*Clodia lex de intercessione.*

*P. Clodius Trib. Pl.* made a law, that the *Trib. Pl.* should haue full authority, and power to propose lawes; neither should they be hindred by the *Intercession*, that is, gain saying of any. Cic. pro Sext.



*Licinia Ebutia lex.*

Cic. pro domo  
sua ad pontif.

*Licinius* and *Ebutius* being *Trib. Pl.* ordained that if any preferred a law touching the oversight, the charge, or cure of any businesse in hand; neither he, nor any fellow-officer with him, nor any allied unto him should haue his oversight, or charge committed to him.

## CAP. 9.

*De Provincijs.**Sempronia de Provincijs.*

Cic. de prou.  
consulacibus.

**C** *Sempronius Gracchus Trib. Pl.* ordained, that the *Senate* every yeare before the election of their *Consuls*, should as it seemed best to them, appoint out what Provinces the *Consuls* now to bee elected, should after the expiration of their office goe vnto; for which Provinces afterward the *Consuls* designed should cast lots. Another clause to this law was, that whereas in formertimes by a decree from the *Senate*, it was lawfull for the *Tribunes* to hinder the *Romane assemblies*, hence forward they should haue no authority.

*Cornelia de Provincijs.*

Cic. ep 9. ad  
Lentul.

**L. Cornelius Sylla** being *Dictator* preferred a law, that whoſoever went into a Province *cum imperio*, tam diu illud imperium retineret, quoad in urbem reuersus esset: where as in former times his rule and gouernment was to be resigned at the expiration of a set time appointed: yea although no successor were sent, yet could he not continue there *cum imperio* without a new commission. A clause added vnto this law was that after the comming of any new *President* or *Gouernour* into the Province, the old *Provinciall President* should depart within thirty-daies.

p Sig de iure,  
Prov. l. 3. c. 13.  
q Sig. eiusd.  
lib. cap. 6.

*Esse cum imperio.*] that is p *Exercitui praeſſe*, & vel habere ius administrandi, & suis auspicijs gerendi belli.

*Titia*

*Titia lex de Provincia.*

*Titius*, or (as some say) *Decius* preferred a law, that the Provinciall Treasurers called *Quaestores*, should cast lots for their Provinces: whence *Tully* in the Oration now quoted inferreth, that although *Ostia* being the better Province fell vpon *Servius Sulpitius*, yet in as much as it fell *Lege Titia*, that is, by casting lots, he could not therefore challenge any superiority about *L. Murana*, *Sed utriusq; nomen conseruit in Quaestura*, that is, their fame and renowne was equall in their *Quaestorship*.

Cic. pro L.  
Muræ n.  
r Melancth.  
in orat. pro  
Muræna.

*Julia lex de Provincijs.*

*C. Julius Caesar* established two lawes touching the Roman Provinces: one that no *Prætor* should gouern a Province about twelue months; nor *Præconsul* about two yeares: The severall heads or clausēs of his second law could not all be found out, but those which haue come to light are these. First that *Achaia Thessalia*, and all *Græcia* should bee free; neither should any Roman Magistrate sit in iudgment in those Provinces (*Cic. pro domo*) Secondly, that the Provinciall governours and their *Comites*, that is, assistants, or attendants should haue hay, and all other necessities provided them on the way, by those Townes and Villages through which they passed. (*Cic. in Pison.*) Thirdly, that the provinciall Magistrates at their departure, should leaue a booke of their accounts in two Cities of their Province, and likewise should send a copy of their accounts vnto the Roman Treasure-house (*Cic. in Pison.*) Fourthly, that it should neither be lawfull for the people to bestow, nor for the Provinciall Magistrate to receaue *Aurum coronarium* vnlesse it were in a triumph. (*Cic. in Pison.*) Lastly, that it should be vnlawfull for the Provinciall Magistrate without the allowance of the people or the *Senate*, to depart out of their province, to lead forth any army, to wage warre, or to goe into any forraigne country. (*Cic. in Pison.*)

Cic. Phil. 1.

*Aurum coron.*] There was a custome among the Romans / *Lips. de mag.*  
in *Rom. l. 2. c. 5.*

in times of victory to present vnto the L. Generall Coronets of gold, instead whereof the after-ages presented a certaine summe of mony, which was thence called *Aurum coronarium*.

*Vatinia de Provincijs.*

Cic. pro Balb.

*P. Vatinus Trib. Pl.* procured a law, that *Iulius Caesar* should haue the government of *Gallia Cisalpina* and *Illiricum* for five yeares space, without any decree from the *Senate*, or casting lots. Secondly, that they also should goe as Legates, or L. Deputies vnto *Cesar*, without any decree from the *Senate*, whatsoever were nominated in that law. Thirdly, that *Cesar* should receaue mony out of the common Treasure-house towards hauing an army. Lastly, that hee should transplanr a Colony vnto a certaine towne of *Cisalpina Gallia*, called *Novocomum*.

*Clodia de Provincijs.*

Cic. pro Dom.

*P. Clodius* being *Trib. Pleb.* procured a law, that the gouernment of *Syria*, *Babylon* and *Persia* should be committed to *Gabinus*. The gouernment of *Macedonia*, *Achaia*, *Thessalia*, *Grecia*, and all *Boetia* should be committed vnto *Piso*; and they should receaue together with an army, mony out of the common Treasurie towards their iourney.

*Clodia altera de Cypro.*

Cic. pro Sext.

*P. Clodius* preferred another law, that the Iland *Cyprus* should be made a Prouince. That *Ptolomeus* the king of *Cyprus* sitting in his purple, with his scepter & other his princely ornaments, *Praconi publico subijceretur*, & cum bonis omnibus publicaretur, that is, should himselfe with all his goods be sold by a common cryer. That *M. Cato* being then Treasurer, cum iure Pratorio, adiecto etiam Quaestore, hauing by cōmission the office of a L. chiefe-Iustice, and another Treasurer to accompany him, should bee sent into the Iland *Cyprus*, both to make sale of the kings goods and estate, and also to bring backe the mony. Lastly, it was decreed by this law, that those who lived in exilement at *Byzantium* being

condem-

condemned for some capitall crime should be brought back vnto the citty vnder the name of *Romanes*.

*Praconi publico subiceretur.*] For the better vnderstanding of that phrase, we are to vnderstand the manner of port-sale amongst the *Romanes*: which wee may read in *Sigonius* thus. Those things were rightly sold in port-sale, which were publikely sold *Per praconem sub hasta*, that is, by the cryer vnder a speare sticked vp for that purpose, and some Magistrate making good the sale by delivery of the goods. Whence I take *Publico praconi subijci*, and *Hasta subijci*, to signifie one and the selfe same thing, namely, to be set at sale: and *Cicero* useth almost the selfe same phrase, *Bona Cn. Pompeij, voci acerbissima subiecta praconis*. This kinde of sale was tearmed *Auctorio*: because as *Sigonius* saith in the same place, to him the goods were sold, *Qui plurimum rem augetet*, that is, which would bid most for it: and hence is the seller thereof tearmed *Auctor*, as *Cic. Id quod a malo auctore emissent*, that is, that which they had bought of one which had no authority to sell: and from this custome of setting up a speare in this kinde of sale, this word *Hasta* alone is vsed to signifie port-sale, as *Hasta Caesaris*, the sale of *Cesar's* goods. Those who bought these goods *Tully* doth call *Seitores* *quia spem lucri sui sequebantur*. In such kinde of sales a catalogue or note of the goods to be sold was hanged vp in tables for the publique view of passengers. Whence such goods were tearmed *sumptu bona*. And if any friend would redeeme the goods, then did he *deijcere libellos*, that is, put in bands and security to answer the matter. The phrase is vsed by *Tully Cic. pro Quintio*. And also by *Seneca, de benef. lib. 4. cap. 12. Suspensis amici bonis libellū deijcio, creditoribus eius me obligaturus*. It is thus explained by *Turnebus adv. l. 12. cap. 9.* If the sale proceeded on, then such as proposed to bee chapmen, signified their desire by holding vp their finger: whence *Digitum Tollere* signifieth the desire of buying such goods. *Alex. ab Alex. l. 4. cap. 26.*

*Cic. Phil. 11.*

*Vortin, 7.*

*Cic. Phil. 8.*

*Cic. in Ver.*

*Sig de ind.*

*lib. 2. cap. 14.*

## CAP. 10.

*De Legibus Agrarijs.*

**T**Hose lawes were tearmed *Leges Agraria*, which did concerne the diuision of the publique, or common fields. And these were either given by *Romulus* and other Kings; or taken from the enemies, or from priuate men which had made inclosures; or lastly bought out of the common Treasury. *Vide<sup>2</sup> Sigon.*

de iure,  
Ital. l. 2. c. 2.

*Sempronia lex Agraria.*

*Titus Sempronius Gracchus Trib. Pleb.* preferred a law which forbad, that any of the *Romans* should haue to his owne part aboue five hundred acres of the common fields, the one halfe of which it was lawfull for his sonne to enioy. If it had so happened that any should enlarge these common fields, three suruayers called the *b Triumviri agro diuidendo*, did mark out which was common, which priuate ground. Moreouer it was by this law prouided, that the mony of king *Attalus* who made the people of *Rome* his heire might be bestowed vpon those citizens, which had by this law obtained a part of the common fields, to the buying of instruments for husbandry. Moreouer that the kings lands should be farmed out at a set rent by the *Censors*, whence an yearly tribute should be paid to the people.

b Sig. de iure  
Ital. l. 2. c. c.

Cic. in Rull.

*Cornelia lex.*

*L. Cornelius Sylla* being *Dictator* preferred a law, that all the fields of those *Romans* which he had banished, should be common. This publication is to bee vnderstood chiefly of those fields in *Thuscia*, neere vnto the Citty *Volaterra*, & the citty *Fesula*, which grounds *Sylla* diuided amongst his souldiers.

CAP.



## CAP. II.

*De frumentarijs legibus.**Sempronia lex.*

**T** *Sempronius Gracchus* being tribune of the commons provided, that a certaine quantity of corne should monthly be giuen vnto the poorer sort at a low price. *Semisse & triente*: that is, about six pence farthing a bushell. Herevpon was there a place appointed in *Rome*, for the keeping of this common corne, together with certaine lawes hanged vp there called *leges frumentariae*. This place was called *Horrea Sempronia*. The quantity of corne laid vp in every City for this purpose is by the latter Lawyers tearmed *Canon*: as *Canon Alexandrinus*, *Canon urbis Rome*, &c. vide *Struck. de conviv. lib. 1. c. 35*.

Cic. pro Sext.

e Rosin. ant.  
lib. 8. c. 21.

*Semisse & triente* ] It appeareth by the next law, that *Semissis* in this place, must signifie the same as *senis aris* doth there. Whereby wee may note, that *semissis* doth not alwaies signify the halfe part of the *Roman* coine called *As*, but sometime it signifieth a greater coine valuing almost our six pence.

*Clodia lex.*

*P. Clodius Trib. Pl.* ordained, that that corne which heretofore was sold to the poore *senis aris & trientibus in singulos modios*, that is, for six pence farthing a bushell, should hereafter be giuen gratis, and charge and oversight of this dole was committed to *Sextus claudius*

*Terentia Cassia.*

*M. Terentius* and *C. Cassius* being Consul preferred a law, *Vt altera decuma a provincijs coemeretur, pretio in singulos modios. H. S. trium constituto. Item vt civitatibus equaliter imperaretur, pretio in singulos modios H. S. quatuor constituto.*

Cic. pro Sext.  
in Pisone.  
Cic. Verrin. 5.  
& 7.

d Sig. de iure  
Prov. l. i. c. i.

e Fr. Sylv. in  
orat. pro Clu-  
antio.

For the better vnderstanding of this law, wee must note a threefold tithe payd by the Provinces. The first was the tenth part of the graine, growing in the Prouince to be paid in *gratis*, and that was properly called *Decuma*, or *frumentum Decumanum*, and those that tooke this tithe to rent were called thence *Decumani*. A second sort of tithes was a certain quantity of corne taken vp for the L. president or chiefe gouernour of the Province, to keepe his house, & that was called *Frumentum aestimatum*, that is, corne gathered vp by way of taxation: for so this word *aestimo* comming from *as* doth signifie, *Est autem aestimare ab are distum, id quod vulgo dicunt appreciare & taxare*. The third sort of tithes, was when the Senate finding scarcity of corne in Rome, did inioyne the Prouinces to sell them a quantity of corne at a price set downe by the *Senatores* themselves, and this corne sold vp on iniunctio if it was paid but once in the yeare, it was tearmed *Frumentum emptum*: but if in the same yeare second sale was inioyned them, then they called that second pay *Frumentum imperatum*. In the first clause of this law by *altera decuma* [is meant *Frumentum emptum*; in the second clause, by these words [*cinitatibus aequaliter imperaretur*] is vnderstood *Frumentum imperatum*.

*Lex Hieronica;*

Cic. Verin. 4. Hiero king of Syccily obtained a law, wherein was set downe the quantity of corne that the *Aratores* or country farmers should pay vnto the *Publicani*, that is, those which receaued the tithes, together with the time of payment and the price agreed vpon.

CAP. 12.

*De legibus sumptuariis sine cibariis.*

**I**N ancient times there was a commendable frugality among the *Romanes* in their feast, but after ages grew to immoderate excesse therein, so that whole Goates and Boare

Boares &c. were set on the table at one time. Such a hogge thus dressed *Cincius* was wont to call *Porcum Troianum*, al-<sup>a</sup> Stuck de co-  
luding to the *Troian* horse; because the belly thereof was <sup>viv. lib. 3. c. 3.</sup>  
stuffed with variety of fowle and rabbats, & such like, as the  
*Troian* horse was with armed men. This kinde of excesse *Ti-*  
*berius Caesar* laboured to redresse, by serving at table his cold <sup>b</sup> Suet. Tibet  
halfe-eaten dishes at solemne feast, using this proverb <sup>b</sup> *Di.* 34.  
*midiatius aper omnia eadem habet que totum*. Hence also men  
of severer discipline enacted laws stearmed *Luges sumptuaria*  
or *Cibaria*, which prescribed a moderation, not onely for the  
charges in their greatest feasts, that they should not exceed  
such and such summes of money, but also for the guests to bee  
invited, that they should not exceed such a number. The  
chiefe of these lawes were these that follow.

*Lex Orchia.*

*C. Orchius* being protector of the commons, by the con-  
sent of the *Senate*, the third yeare before *Cato* was *Censor*,  
preferred a law, whereby he only moderated the number of  
guests, without any limitation of the charges or superfluous  
expence at feasts.

*Lex Fannia.*

Twenty two yeares after *Orchius* his law *C. Fannius* be-  
ing *Consul* enacted another, for the moderating of expences,  
allowing: *Non plures denis assibus* to bee spent in their ordi-  
nary feasts: But upon those more solemne feasts dedicated  
unto *Saturne*, and from thence called *Saturnalia*, likewise  
when any publique games were exhibited to the *Romane*  
people, he then allowed *Centum asses*, ordaining that no other  
fowle should then be dressed but only one henne, & that not  
fatted for the purpose.

*Non plures denis assibus* ] The *Roman* coyne *As* was so <sup>c</sup> Varro lib. 4.  
called <sup>c</sup> *quasi as*, because the matter thereof was *brasse*; <sup>d</sup> at  
first it consisted of a full pound weight; afterward in the first  
*Punick* warre, by reason of the scarcity of money, they made  
of every pound of *brasse* six of those coynes, each valuing as

e A. Gel. II.  
cap. 2.

much as they did at first. In the second *Panick* warre there were twelue made of every pound; at last by vertue of a law which *Papirius* enacted, foure and twenty were made of a pound; and so they continued; the value alwaies remained the same, *videl: ob. q<sup>a</sup>*. so that to allow but ten of these to a feast, seemeth a matter altogether vncredible, but consider with the frugality the cheapnes of those times, it may bee graunted for a truth; <sup>e</sup> for tenne of these were the price of a sheepe, and an hundred the price of one ox.

*Lex Didia.*

Eightene yeares after *Fannius*, *Didius* ordained that the former sumptuary lawes should bee of force, not onely in *Rome*, but throughout *Italy*; Moreouer that not onely the feast-master transgressing, but all the guests should bee liable to the penalty.

*Lex Licinia.*

*P. Licinius crassus* preferred a law in a manner agreeing with the *lex fannia*, whereby hee rather confirmed *Fannius* his law being now antiquated, made an new.

*Lex Cornelia.*

*Cornelius Sylla* being *Dictator* ordained a law for the price of meates, so that he was thought by cheapnes of vittayles to encrease, rather then to restraine superfluities at feasts.

*Lex Antia.*

*Antius Restio* preferred a vifeful law, to moderate expences in feasting, which notwithstanding was violated, and in a manner abrogated, by the contrary practise of the Citizens in generall. For which cause, *Restio* afterward being invited, would neuer come to any feast, because he would not be an eye-witnesse of the contempt of that law, which himselfe had caused. If any desire to see more lawes of this nature, let him read *Struck, conuiu. lib. i. cap. 3. Ant. Gell. lib. 2. cap. 24. And Macrob. Saturn. lib. 3. cap. 17.*

CAP. 13.

*De re militari & bellis.*

*Gabinia lex.*

**A** *Gabinus* Tr. Pl. preferred a law that the managing of the warre against the Pyrates should be in such manner committed vnto *Pompey* for three yeares space, that ouer the whole sea betweene *Hecules* his pillars, and in the maritime prouinces vnto the foure hundreth *Stadium* from the sea; hee should haue power to command any Kings, L. Presidents, or whole corporations to furnish him with all things necessary to that warre.

Cic. pro lege Manilia.

*Manilia lex.*

*C. Manilius* Trib. Pl. perswaded a law, that the managing of warre against *Mithridates* should be committed vnto *Cn. Pompeius*. That the whole Prouince where *L. Lucullus* ruled together with his whole army should bee resigned vp vnto him. Moreover that *Bithinia*, where *Glabrio* ruled, should be added, together with all those bands and forces, which he had vpon the sea against the Pyrats, and all those prouinces, over which the law *Gabinia* did entitle him gouernour, as *Phrygia*, *Lycania*, *Galatia*, *Cappadocia*, *Cilicia*, *Colchis superior*, and *Armenia*.

Cic. pro lege Manilia.

CAP. 14.

*De Tutela.*

**T** His word *Tutela* doth signifie a wardship, guardian-ship, or protection of a child in his nonage: whereof *pro L. f. Camerarius* obserueth foure sort. & wee may with *Flacco*. *Pedestarius* adde the fifth. Either the ouerseers were appointed by will; or else the next of the kinne were ouerseers; or the magi-

f. Camerarius in orat. pro L. Flacco.



g l. Omphal.  
in erat. pro  
Cæcinnæ.

h Pellicarius  
pro Cæcin.

i Cic. pro  
Muræ.

magistrate did appoint whom he thought fit: and these three sorts g *Omphalius* calleth thus: the first *Testamentariam*, the second *Legitimam*, the third *Datam*. The fourth sort Came-  
rarius calleth *Tutellam fiduciariam, quæ eorum est, qui emanci-  
pati desissent esse agnati*. the fifth h *Pellitarius* calleth *Tutellam  
honorariam*, namely, when as the office of administration is  
committed to others, but yet certaine chiefe ouerseers were  
appointed to see the will performed, who were called *Tu-  
tores honorarij*. i Where wee must note, that the law provi-  
ded ouerseers, not for children vnder age onely, but for wo-  
men also.

k Vid. leg. 12.  
tabul.  
l Sig. de iure.  
Rom. l. i. c. 10.

*Emancipati desissent esse agnati*] By the Roman law euery  
sonne was in such subiection vnto his father, that before hee  
could be released of this subiection, and made free, he should  
by an imaginary sale k be sold three times by his naturall fa-  
ther to another man, who was called by the lawyers l *Pater  
fiduciarium*, that is, a father in trust; yea and be bought againe  
by the naturall father, and so manumised by him, and then he  
became free. The forme of this kind of sale or alienatio is set  
downe more at large in the explanation of one of the lawes  
that followeth, with an example not much vnlike this. This  
imaginary sale was called *Mancipatio*, the children thus alie-  
nated from the father were tearmed *Emancipati*, this forme  
of setting free was tearmed *Emancipatio*. This *Fiduciaria tu-  
tela* then, in my opinion was thus. That when any goods did  
fall vnto a child thus alienated, by the death of his father,  
then should not the oversight of this child fall vnto the next  
of the kinne, tearmed *Agnati*, but *Quoniam desist esse agnatus*  
that is, because he had in a manner lost his alliance with his  
kindred, therefore should the oversight of the child belong  
vnto the father in trust, tearmed *Pater fiduciarium*, Whence  
the gardianship it selfe was called *Tutella fiduciaria*.

*Latoria lex.*

Cic. 3. de offi.

This law made by *Latoria* provided, that there should  
be ouerseers appointed for those which were distracted, or  
did

did prodigally wast their patrimonie. For as it appeareth by the common adage, *Ad agnatos & gentiles deducendus est*, they did account all prodigals, mad men: they meaning no more by that, then we doe by our english proverb, when we say of a spend-thrift: let him be begged for a foole. The reason of their adage was, because if any were distracted, by the Roman law his wardship fell *Ad agnatos & Gentiles*, that is, to the next of the kindred.

## CAP. 15.

*de testamentis.*

**B**Efore we descend vnto the lawes themselves, we will explaine those three diuers sorts of wils in vse amongst the *Romans*. Namely *Testamentum calatis comitijs*; which was so called, because twice in the yeare in time of peace the *Roman* people assembled themselves together to this end and purpose, that if any would make his will, the whole people might beare witnesse therevnto: these assemblies were tearmed *Calata comitia*. Secondly *Testamentum in procinctu*, that is, when a souldier in time of warre ready to giue battle, did call out three or fowre of his fellowes, and in the audience of them did by word of mouth pronounce his last will and testament. Thirdly, *Testamentum per emancipationem familia*, that is, by making ouer his goods and possessions vnder a fained forme of sale, vnto a second party called *Haeres fiduciarius & imaginarius*, that is, an heire in trust, who should afterward resigne them vnto the true & lawfull heire: and this imaginary kiade of sale, was performed with certaine solemnities *circa as & libram*, and also the sale it selfe was sometimes called *Nexum*, as likewise *Emancipatio*. Hence was the will sometimes called *Testamentum per as & libram*, sometimes *Testamentum per Nexum*. For the prooofe of this, which hath been delivered, touching the three sorts of wils I

m Sig de iure  
Rom l. i. c. 12.

will referre the reader to = *Sigonius*.

*Furia Lex.*

Cic. Verrin. 3.

*C. Furium Trib. Pleb.* made a law, that it should not be lawfull for any to giue away in way of legacy, vnto any, except to the kinsmen of him which manumiled him, or some other certaine persons *supra mille asses*, that is, about fifty shillings or there about, there going two *Asses & semis* to the making of one *Sestertius*.

*Voconia lex.*

Cic. Verrin. 3.

*Q. Voconius Saxa Trib. Pleb. tulit legem, Ne qui sensus esset virginem, neve mulierem supra quadrantem suorum bonorum heredem institueret, plusue cuiquam legaret, quam ad heredem heredesuo perveniret.*

*census*.) This word *Census* doth sometimes signifie all such as haue tendred the iust valuation of their estate vnto the *Censors*: and then *Incensus* is opposite to it, signifying such a one, as hath not tendred his estate or name to be registered by the *Censors*. But in this place *census* is taken for such a rich man, whose estate was in the *Censors* book valued at one hundred thousand *Sesterties*. (*Vid. Asconium in Verrin. 3.*)

n Barth. Latom. in orat pro Cecinna.

*Supra quadrantem suorum bonorum*) that is. No woman should be heire to more then one quarter of such a rich mans goods. For the right conceauing of this, we must note with *Latomius*, that the whole inheritance (were it never so great) was tearmed *As*, and that was divided into twelue parts, which the lawyers called *Vncia*: *Dua Vncia dicebantur Sextans, tres Quadrans, quatuor Triens, quinque, Quincunx, sex Semissis, septem Septunx, octo Bessis, nonem Dodrans, decem Decunx, undecim Decunx, Totum As. ut dictum est*. Againe every *Vncia* was divided into six parts called *Sextula*: *Dua sextula Duellam, tres Semunciam faciunt*. So then according to the lawyers (as *Alexander* obserueth) if there were one heire alone instituted, he was tearmed *Heres in Assem totum institutum*; if otherwise there were many co-heires, then was it according

o Alex Gen. dier. l. i. c. i.

ording as the *Testator* did appoint. Some were *ex Decunce heredes*, that is, heires to eleven parts of his goods, therè being but one part bestowed from him: some were *heredes ex quadrante*, that is, heires to one quarter of his goods: others were *Heredes ex semuncia*, that is, they had the fowre and twentieth part: others were *sextula aspersi*, that is, they had the threescore and twelfe part of the whole *As*, that is, of the whole inheritance, be it more or lesse, &c. Here we must vnderstand, that there is great difference betweene these two phrases, *Institui hares in totum Assem, & ex toto Asse*. For all those, which were nominated *Heredes*, whether it were *ex Dodrante, Quadrante, vel Semuncia*, or howsoever, yet were they termed *Heredes ex toto Asse*, that is, they were not *Legatarij*, such as receaued legacies. Now none can be said *In totum assem institui*, but he which is the alone and sole-heire vnto the whole.

## CAP. 16.

*De usu-capione.**Atinia lex.*

**A** *Tinius* made a law, that the plea of prescription or long possession should not auaile in things that had beene stolen, but the interest which the right owner had in those stolen goods, should remaine perpetuall. The words of the law are these: *Quod surreptum est, eius rei aeterna auctoritas esset*. Whereby *auctoritas* is meant *iura domini*. This crime of theft, as likewise of vsury, was so odious vnto the *Romans*, that whosoever was found guilty thereof was condemned *à Lege quadrupli*, that is, to pay fowre times as much. whence the informers against such, were termed *Quadruplicatores*.

Cic. Verrin. 3.

p Sig de iure  
Rom. l. i. c. 11q Fr. Sylv. in  
Verrin. 1.

## CAP. 17.

*De Iudiciis, & Iudicijs.**Lex accusatoria.*

Cic. pro Mur.

r Alex Gen.  
dier. l. 3. c. 5.  
f Cic. pro  
Nurzn.

**T**ully mentioneth a law termed *Lex accusatoria* which in truth was no law, neither was there any author thereof: but there was such a received custome amongst the *Romans*, that the accuser should object against the partie accused, not onely the present crime then questioned, but all other escapes and faults committed long before to the bettering of this matter: that at length this accusatory custome became in manner of a law, and so was called *Lex accusatoria*. vid. *Frane. Sylvium in orat. pro Mur.* Their custome also was to procure others to ioyne with them in their accusations; those Tully calleth *Subscriptores*, because they did subscribe vnto the accusation.

*Lex Servilia & Sempronia.*Curio in orat.  
pro Scauro.

Whereas *Sempronius* had preferred a law, whereby hee tooke away the authority of sitting in iudgment from the *Senatours*, and appropriated it to the *Roman Gentlemen*; *Q. Servilius capio* being *Consul* did afterward preferre another law, whereby the administration of iudgement was divided betweene the *Senatours* and the *Gentlemen*.

*Rupilia lex.*Cic in Ver.  
2 Sig de iure  
Prov. l. 2. c. 5.

*Rupilia lex vetabat diebus triginta sortiri dicam.* Here we must note with *Sigonius*, that this law was of force only in the province of *Sicilia*: also that it is one thing *scribere dicam*, that is, to enter an action, another *sortiri dicam*, that is, by lots to choose the Iudges, which was 30. daies after.

*Livia lex.*Cic de orat.  
l. 3.

Though by vertue of *Servilius* his law the *Senators* were made capable of the office of a Iudge, yet they were not there by



thereby equally capable with the Roman Gentlemen: and therefore did *M. Livius Drusus* ordaine, that the Iudges should be elected equally out of both orders, namely three hundred out of the *Senate*, and three hundred out of the Gentry.

*Plautia lex.*

*M. Plantius Sylvanus* preferred a law, that the number of Iudges should be chosen not onely out of the *Roman Senators* and Gentlemen, but out of the populacy also, namely out of every Tribe fiftene Iudges.

Cic. pro. Cor- nel.

*Anrelia lex.*

*L. Anrelius Cotta* being *Prator* made a law, that the Iudges should be chosen out of the *Senators*, the Gentlemen and those *Martiall Treasurers* or *clerks* of the band called *Tribuni ararij*.

Cic. in Verr. 2. p.

*Pompeia lex.*

*Cn. Pompeius Magnus* being *Consul* ordained, that the Iudges should be elected out of the wealthiest *Centuries*, tying the election notwithstanding to those three degrees of people, namely *Senators*, Gentlemen, and *Martiall Treasurers*; also hee added that the number of Iudges to examine causes should be seuenty and five.

Cic. in Pilon.

*Iulia lex.*

*C. Iulius Caesar* ordained, that the election of Iudges should be out of the *Senators* and Gentlemen onely, leauing out the *Martiall Treasurers*; and this *Tully* calleth *legem Iudiciariam Caesaris*.

Cic. Philipp.

*Antonia lex.*

*M. Antonius* tulit *legem*, ut *tertia iudicum decuria* e *centurionibus*, *Antesignanis*, *Alaudis*, *Manipularibus* fieret.

Cic. Philip. 1. &amp; 5.

*Iudicum decuria:*] When the *L. chiefe Iustice* had taken his oath, he chose out some *ex certis ordinibus*, non *ex omni populo*, that is out of such degree and place, as the law required, to sit in iudgement on those cases, which were tearmed *causa publica*: and these Iudges hee afterward diuided into lesser

numbers called *Decuria*. vid. *Sigon. de iure Rom. lib. 2. c. 12. E Centurionibus.* ] *Centuriones* were Captaines ouer an hundred foot-men.

*Antesignanis.* ] This word *Antesignanus* hath a double acception in the *Roman* histories. Sometimes *Antesignani* doe signifie the third part of the *Roman* army : For all those souldiers that fought before the banners or ensignes, as they were called *Hastati* in respect of their weapon, so were they called *Antesignani* in respect of their ensignes, before which they fought. The second part of the army, as they were called *Principes* in respect of their prowesse and vaour, so were they called *Subsignani*, as fighting vader the ensignes, The third part, as they were called *Triarii*, because they fought in the third, or rereward, so were they called *Postsignani*, as fighting behind the ensignes. Where we must not think, that those which were called *Antesignani* and *Subsignani*, were altogether destitute of ensignes among themselves: ( for every Maniple had his ensigne: ) But the Eagle, and other chiefe ensignes were carried by the *Subsignani*, and in respect had to them they had their names. And hence ariseth the second acception of this word, namely that all those souldiers of every Maniple, which stood in front before their ensigne were called *Antesignani*, and those were commonly the best souldiers in the company. See for the severall proofes of this, *Lips. milit. Rom. lib. 2. dial. 3.*

*Alandis.* ] *Iul. Cesar* pressed a legion of souldiers out of *Gallia Transalpina*, all which afterward he made free of *Rome*. This legion he called *Legionem Alaudarum*, from the forme of their helmets, which did resemble the head of the Larke, called in French *Alanda*. *Barthol. Latomus in Phil. 1.*

*Manipularibus.* ] Those Capraines which gouerned a Maniple of souldiers, were called *Manipulares*. *Fr. Matruantius in Phil. 1.*

*Lex Cincia de donis & muneribus.*

*M. Cincius* being protector of the Commons, *M. Corneli-*  
lius

*ius cethegus*, and *P. Sempronius Tuditanus* being Consuls preferred a law, that no man should receave gift or bribe from his cliēt for pleading his cause. Of this we read in *Plautus*, and he called it *Legem muneralem*: also in *Tully de senect.*

*Cornelia lex.*

*L. Cornelia Sylla* preferred a law, that the chiefe iudge of the bench called *Iudex Quaestionis*, should referre it vnto the choice of the defendant, whether he would haue iudgement: passed on him *Clam an Palam*, that is, (as *Sylvius* obserueth) either by voices or by tables.

*Memnonia lex.*

This law (made by *Memnus*) provided, that no action should be entred against those, who were employed abroad in businesses for the common wealth. An addition vnto this law was, that whosoever should *calumniari*, that is, forge an accusation against another, a certaine letter should be burnt in his forehead in token of infamy. This law is sometimes called *Lex Rhemnina*. Here we may with *Fr. Sylvius* obserue the difference of these three phrases, *Calumniari*, *Pravariari*, and *Tergiversari*. He which doth in his accusation forge faults neuer committed, is said *Calumniari*. Hee which undertaketh ones suit, and either will not vrge reasons in the behalfe of his client, or answer the objections of his adversary when he is able, is said *Pravariari*, that is, to Play the false *Proctour*. He which doth resist in his accusation, and let his suit fall, is said *Tergiversari*.

*Lex incerta de Nexu.*

*In ijs rebus quæ mancipi sunt; in periculum iudicij præstare debet, qui se nexu obligauit*, that is, if the buyer of any thing in that forme of sale called *Nexus* be troubled in law, the seller thereof must seure him, and saue him harmelesse.

*Mancipi sunt* \* Thoe things were tearmed *res Mancipi*, x *Fr. Sylv.* in which were alienated from the seller *Nexu*, that is, by such a forme of sale as followeth. The forme was thus: At the least five witnesses, all *Romane* Cittizens and of full age be-

*Cic. pro Cluentio.*

*Cic. in Vatin.*

*Cic. pro Sexto Roscio.*  
u *Fr. Sylv. in orat. pro Cluentio.*

*Cic. pro Mur.*

x *Fr. Sylv. in orat. pro Mur.*

sides

fides one called *Libri.pens* (from holding of a paire of ballances) should be present: and the chap-man or buyer should come with a certaine brasse coyne in his hand, and say (for example sake, if it were a bond-slave to be sold) *Hunc ego hominem ex iure Quiritium meum esse aio, isq; mihi emptus est hoc ere;* & forthwith strikeing the ballance with the brasse coyne he gaue it to him that made the sale. This kind of chaffering was tearmed *Noxu*, as wee may suppose *a nesciendo*, because it did binde the seller to make good the sale: & sometimes it is called *per as & librum venditio*, because of the ceremonies vsed in it. Now it is commonly called *Mancipatio* <sup>a</sup> *a manu capione*, from taking that which is sold into ones hands or Possession: whence the word *Mancipatus*, and *Mancipium* are vsed to signifie a bond-slave, that is in this manner sold; though sometimes *Mancipium* doth signifie the sale it selfe: whence *Cic.* vseth this phrase *Lex Mancipij*, to signifie a clause or condition put in the sale. All things sold after this manner were tearmed *Res Mancipi*; <sup>b</sup> The word *Mancipi* being a nowne indeclinable, as *Frugi, Cordi, Huinsmodi &c.* and from this forme of sale, the morgaging of land for the payment of mony may seeme to be called *Mancipatio fiduciaria*; He which did thus receave the morgage, or land in way of securitie, is said *accipere fiduciam*, *Cic. orat. pro L. Flacco*. Vpon which place saith *Lambinus* in his annotations, *Accipere fiduciam, est fundum, aut aliam rem soli, seu vt appellant immobilem, ab aliquo mancipare, seu accipere ea lege, vt cum ille repetat ei remancipet.* We may coniect the reason of these ballances, why they should be vsed in this kinde of bargaining; to be, because in old time they did not bargain by paying coined mony, which was called *As signatum*, but by paying a certaine waight of mony, whence such mony was tearmed *As graue*. And hence it is, that metaphorically we translate *Pendo* and *rependo*, to pay and repay.

y. Sylv. ibid.

z Melanct in  
orat pro Mur.  
a I. Camerar.  
in orat. pro  
Murzen.

b Priscian. 13.  
vid Fr. Sylv. in  
orat. pro Mar.

c Alex. Gen.  
dicall. 1. c. 15.

## CAP. 18.

*De Maiestate.**Lex Varia.*

**Q** *Varus Trib. Pleb.* made a law, that the *Pretores* *Cic. pro Cor.*  
*Quaestores* should sit in iudgement vpon those, by wh.  
 whom the allies or Associates had beene moued  
 to attempt warre against the Roman people.

*Julia lex.*

*C. Jul. Caesar* ordained, that such as were condemned of *Cic. Phil. 1.*  
 treason, or causing uproares in the common wealth, should  
 bee banished.

## CAP. 19.

*De Ambitu.*

**T**hose lawes were tearmed *Leges de ambitu*, which  
 were made against indirect or vnlawfull courtes vsed  
 in canvasses for offices.

*Fabia de ambitu.*

This *Lex Fabia* restrained the number of those poore men  
 who because they were wont to follow vp and downe, & all  
 the day to attend such as did stand for offices, were thence  
 called *Sectatores*.

*Acilia Calpurnia.*

*M. Acilius Glabrio*, and *C. Calpurnius Piso*, being *Consuls* *Cic. pro Mur.*  
 made a law, that such as were convinced of sinister and un-  
 direct meanes vsed in their canvasses, should bee fined at a cer-  
 taine summe of mony set on their heads, and they should bee  
 made both vncapable of bearing office, and vneligible into  
 a *Senators* place.



*Senatus consultum de Ambitu.*

Cic. pro Mur. *M. Tullius Cic.* and *C. Antonius* being *Consuls*, a certaine decree was made by the *Senate*, that if such as did either salute or attend vpon those which stood for offices, were hired by any manner of reward; or if any publike prizes were occasioned to be plaid; or any publike feasts made by them, they should be liable to the censure of *Calpurnius* his law.

*Tullia lex.*

Cic. pro Sext. *M. Tullius Cic.* made a law, that no man standing for an office should cause any publike prize to bee plaid, within two yeares that he either had stood, or should stand for an office, vnlesse the day had formerly beene appointed by some will. Item, he ordained, that *Senators* being found to haue vsed vnlawfull meanes for the attaining of any office, should suffer ten yeares exilement. And the commonaltie offending in that point, should be punished with an heauier punishment then the law made by *Calpurnius* laid on them. An addition vnto this was, that if any being cited to his answer in the court of their vndirect meanes, *Si morbum excusaret*, that is, If hee did vrge his sicknesse for his not appearance, then should he vndergoe a penalty.

*Si morbum excusaret*] So that *Tully* here seemeth to cut of that liberty which the twelue tables permitted in these words [*Si Index alterve ex litigatoribus morbo sontoico impediatur, indioj dies diffusus esto.*] that is, If either Iudge, Plantiffe, or Defendant were sicke, they should *diffundere diem, id est, proferre & in aliud tempus reicere* prorogue the time of iudgement. And vnlesse some might thinke, that by *morbus sontoicus* was meant some strange disease, *Sigonius* inferreth that euery disease is tearmed *Sontoicus*, which hindreth vs in the performance of our busineses: *Sontes enim nocentes dicuntur.*

d Sig. de iud.  
lib. 1. c. 28.

*Licinia de Sodalitijs.*  
Cic. pro Plan. *M. Licinius Crassus* being *Consul* perswaded, vt in *Sodalitijs Indices, ab accusatore extitibus ederentur.*

*Sodalitia*

*Sodalitia.*] In the latter times the *Romans* in their canvaſſes would gather together a certain company of their ſide or faction to follow them, tearming them *Sodales*; and theſe *Sodales* would as it were by violence force the people to ſuffrage with them, whence the violence offered by them was tearmed *Sodalitia*, *Sig. de Iud. lib. 2. cap. 30.*

*Indices ab accusatore ederentur ex tribunum.*] We may read of three ſorts of Iudges among the *Romans*, or rather of three diuers kindes of elections of theſe Iudges. For either they were, *Dictiſortitione*, or which more may bee ſcene in one of the lawes following; or *Editione*, by nomination or naming them, the manner thereof being thus; That either the Plaintiff ſhould chooſe them all, and then were they called *Iudices editi*, or the Plaintiff ſhould chooſe one halfe, and the Defendant the other, and then were they called *Iudices alterni*, *Melanthon in Cic. pro Muran.*

## CAP. 20.

*De pecunijs repetundis.*

**F**Irſt touching the word *Repetunda* *Sigonius* ſaith that ſuch mony waſtearmed *Pecunia repetundae* poſſent *repeti*, which might by the courſe of law be recovered. Namely ſuch mony as any magiſtrate, Iudge, or publike officer, did either in the *Provinces*, or in the *Citty* receaue as a bribe, from the *Allies* and *Aſſociats*, or from the *Roman* citizens for the adminiſtration of Juſtice, or the execution of any publike duety: and this kinde of bribe they tearmed *Pecunias repetundas*, *pecuniam ablatam, captam, coactam, conciliatam, averſam* (*Cic. in Veris*) But as it ſeemeth very probable theſe lawes againſt bribery were firſt occaſioned, for the caſe and reliefe of the *Roman* *Provinces* and *Allies*, called in Latine *Socij*, who were much abuſed in this kinde by the *Prov. Conſuls*, *Prators*, and *Queſtors*, &c. Whence *Tul.*

ly called this law against bribery, *Legem Socialem*. Here also may we note, that <sup>d</sup> Tully vieth this phrase, *Pecuniam occupare*, for *Fœnerari*, to put money to vse. *Occupare pecuniam est collocare*, inquit Nonius, id est, *Fœnori dare*. Vid. Lambin annot. in Cic. orat. pro L. Flacco.

*In iura lex.*

M. Iunius pennis Trib. Pl. preferred a law that no such as were conuicted of bribery, *Præter lites æstimationem exitum etiam damnato esset irrogatum*.

*Lites æstimationem.* Here we will consider the difference of these three phrases, *Lites contestatio*, *Lites redemptio*, & *Lites æstimatio*. The first signifieth the producing of witnesses when both sides shall openly in the court vse the forme of words, *Testes citare*, which was not done, *antequam satisfactions facta essent*, before sureties were put in, by the one, that he should *Iudicatum solvere*, pay that which he was condemned by the other, that he would *rem ratam habere*, that is, stand to the verdict or sentence in the Court. The second phrase signifieth a composition or an argument agreed vpon by both sides betwene themselves: *Redimere lites est pactionem facere*; *qui enim paciscitur, facit ut lis non sit*. The third is when the party which is cast in the suit is adiudged to pay the money, or the worth of the goods called in question, together with the cost and damages in law vnto his adversary. *Litem æstimare est pecuniam, de qualis fuit, & propter quam condemnatus est reus, in summam redigere, quæ de bonis eius redigatur*. And *Æstimare litem est, quod vulgò dicitur, Taxare lites expensas*.

*Acilia lex.*

M. Acilius Glabrio made a law, that such as were accused of bribery, *Neg. ampliari, neq. comperendinari possent*, that is, they must out of hand receiue iudgement.

For the right vnderstanding of these two words [*Amplari* & *comperendinari*] we must consider the ancient customes and ceremonies vied by the *Romanes* in handling their suits of

e Sig. de iud.  
lip. 1. cap. 27.

orat. pro Q.  
Roscio.

g Fr Sylv. in  
orat. pro Clu-  
entio.  
h I. Tifsim in  
orat. pro Ra-  
bilio.

of law. First there was *In ius vocatio*, that is, a citation of one into the Court. Secondly, *postulatio*, that is, a request put vpon to the *Prator*, that it might be lawfull for the plaintiffe to enter his action against the Defendant; whence *Postulare aliquem de hoc vel illo crimine*, is to accuse one of this or that crime. Thirdly, *Nominis delatio*, that is, the taking of the Defendants name into the court-booke: and this was tearmed, *Intendere actionem, vel Litem*; and *Diem alicui dicere*, that is, to enter an action against one. In the second of these Acts, namely when request was made by the Plaintiffe vnto the *Prator*, that he might enter his action against the Defendant; then the plaintiffe did *Nadarirenm*, that is, demande sureties or bayle from the defendant, that he would appeare vpon the day appointed by the *Prator*. And the Plaintiffe did againe, *Promittere vadimonium*, enter bond also for his owne appearance vpon the same day, which commonly was the third day following, called properly *Dies perendinus*, and sometimes *dies tertius* simply, as it appeareth by those capitall letters, *I. D. T. S. P.* used to bee written in their actions; which letters *Probus* expoundeth thus: *In diem tertium, siue perendinum*. So that then properly, *lis vel reus dicitur comperendinari*, when the giuing of sentence is deferred till the third day. Moreouer before the *Prator* would suffer the action to bee entred, hee would sweare the Plaintiffe, that he did not accuse the Defendant *calumniandi causa*, that is, falsely or maliciously; and this kinde of swearing was tearmed *Calumniam iurare, calumniam de iurare*, and *In litem iurare*. Now if either party were absent from the court vpon the third day, except he were sicke, hee was cast in his suit, and the *Prator* did grant an execution called *Edictum peremptorium*, whereby he gaue authority to his adversary to seaze vpon his goods. Sometimes there were two or three edicts in manner of Proseses or writs, before the *Edictum peremptorium*, could be obtained; sometimes it was graunted at the first, and then was it<sup>k</sup> called *unum pro omni*.

i Sig. de iud.  
lib. 1. cap. 27.

k Sig. eiusd. l.  
cap. 28.

1 Sig. e iuld. l.  
cap. 11.

*bm.* Now if both parties came into the court and did appeare, then were they said *se sistisse*: so that this word *sisto* amongst the lawyers did signifie to shew ones selfe in the court. Vpon the third day the *Prator* also with the whole bench of Iudges did meete; and the *Iudex Quæstionis* (whom *Rosinus* maketh a distinct officer differing from the *Prator*) did cause all the *Select* Iudges to pull out certaine lots, out of an urne or pitcher brought thither for that purpose, & those Iudges vpon whom the lot fell were to sit in iudgment: This was called *Sortitio Iudicum*. Now if either the Plaintiffe or Defendant did suspect any of those, that they would be partiall, then might he except against them, and that was called *Iudicum relectio*: Then the *Iudex quæstionis* would in manner aforesaid choose other Iudges in their places, and that was called *subsortitio*. Which being ended, those Iudges which were thus chosen receiued every one of them fro the *Prator* three tables, the one hauing this letter A written in it, betokening *Absolution*: whence *Tully* calleth it *literam salutarem*: The other hauing this letter C. written in it; betokening *Condemnation*: the third hauing these two letters *N. L.* betokening *Non liquet*. After the receipt of the tables, then did the *Prator* *mittere vel dimittere iudices in consilium*, that is, sent them to cast their tables into the urnes, there being three urnes or little coffers purposely provided; the one for those Iudges which were chosen out of the *Senators*; the other for those that were chosen out of the *Gentlemen*, the third for those which were chosen out of the *Martiall* *Treasurers*. Now if they did cast the first sort of tables into the urnes, then the *Prator* pronounced the defendat absolved, if the second, then he pronounced him condemned; if the third then he pronounced *Amplius cognoscendum*, that they must haue longer time to enquire: And this is properly tearmed *Ampliatio*, a Repruiue and in such manner it is said, *quod lis vel reus dicitur ampliari*. The proofes for this manner of Proceeding in law may be collected out of *Rosinus lib. antiq. 9.*  
cap.



cap. 19. 20. & 24. and out of *Sigonius* according to the marginall quotations. The like custome, seemeth to haue beene receaued also among the Græcians, who had three letters of their alphabet, answerable to those among the Romans; Θ was *damnationis symbolum*, which occasioned that of *Persius*,

*Et potis es nigrum vicio præsfigere Theta.*

T. a token of absolution, A of ampliation, *Vid. Erasm. Adag.* Θ *præsfigere*. Some as it appeareth by *Erasm.* giue a reason of Θ, because it resembleth the heart of man wounded in the midst with a dart, others because it is the first letter of *θάνατος*, signifying death according to that.

*Infelix multis theta est mihi litera solix.*

*Si Θδυσσος scribit scribit & illa Θσν.*

*Cornelius Syba* being *Dictator* ordained a law that the chiefe Judge called *Iudex Questionis* with the whole bench of Judges should sit vpon life & death on such as had killed a man; on such as had with an euill intent set any place on fire: on such as should walke with any weapon either to kill or rob a man; on such as had either made, bought, sold, had, or giuen any poison, thereby to kill a man, on any magistrate, whosoever should cause any conuenticle or secret assemblies, or should giue their consent to the suborning of any man to accuse another falsely, that thereby he being innocent might be oppressed and condemned by publique iudgement. Moreouer *De eius capite queriso &c.* that is, Let them sit vpon life and death on that man, which shall beare false witness, that another might bee condemned to death, on that magistrate or chiefe Iudge, which shall take a bribe to condemne another to death.

*Parricidium.*] This word doth properly signifie onely a murthering of ones parents or kinsfolk, but in *Numa Pompilius* his time it signified as much as *homicidium*, that is any man-slaughter whatsoever.

## Lex. 12. tabularum de vindictis.

*I qui in iure manum conferunt, utriq; superstitibus presentibus vindicias sumunt.*

**S***i qui in iure.*] Here we must note that the custome among the Romans in old time was, that as often any controversy did arise touching the possession of an house, a field, or any such like thing, the Prator did goe vnto the house, field, or the thing questioned being accompanied thither with the plaintiffe and the defendant, together with others whom the law required to be present as witnesses. This place wherefoever it were, though in the open field, during the time that the Prator sate there to giue judgement, was tearmed in Latine *Ius*, in English a Court. Wherein the presence of the Prator and the witness, the plaintiffe and Defendant did *manum conferere*, that is, as *camerarius* supposeth, argue and dispute the case *pro* and *con* in a solemne forme of words prescribed them by the law. For this phrase is borrowed by the Lawyers from the art military, where souldiers are saied *manum vel manu conferere*, when they fight hand to hand, [*Utriq; superstitibus presentibus*] that is let both parties in the presence of witnesses (so *Feustus* expoundeth *superstites*) [*Vindicias sumunt*] that is, let them take a turffe of the ground: for so *Sigonius* expoundeth *Vindicia*; though properly (as he obserueth) it signified the possession of a thing, rather then the thing possessed. This turffe being taken vp, was carried to the Prator, and iudgment was giuen vpon that, as vpon the whole. I do presume that in other cases, as in taking the possession of an house, &c. some other thing in manner of the turffe was presented vnto the Prator, vpon which as vpon the whole he gaue iudgment. In processe of time, the Prator by reason of the tumult of other employments, not finding convenient leasure to review euery particular

m l. Camerarius  
pro L. Muran

u Rosin. ant.  
lib. 8. c. 29.  
o Sig. de iud.  
lib. 1. c. 21.  
Vindiciam ferre  
est sententia de  
cretoq; rem obli-  
nere dicebat  
Vindicias index  
ferbat Vindici-  
as qui rem obli-  
nebat Turneb.  
adv. l. 13. 27.

cular ground, or house called in question, it was ordained contrary to the twelve tables, that the plaintiffe in such cases should come into the court, and challenge the defendant in this forme of words, *Ex iure manu conserutum te uoco*, that is, I challenge thee to goe out of the court into the field, to vie one towards the other that solemne forme of words which the law inioineth. Then did the defendat either yeeld the possession of the ground, or else did reply, *Vnde tu me ex iure manu conserutum vocasti, inde ibi ego te reuoco*. Then did they both taking witneses with them without the company of the *Prætor in iuriam*, that is, goe into the ground bringing back a turffe thereof, vpon the which (as in manner shewne) the *Prætor* gaue iudgement at their returne.

For the better vnderstanding of this that hath beene spoken in the explanation of this law, wee must note that the action tearmed *Vindicatio* was twofold: either the suit for the possession of a thing or the suit for the Lordship or right owning thereof. The possession of any thing was recovered, either by a true and reall violence, or by a seeming violence. This seeming violence was twofold, either it was *manu conserutio*, which was shewne immediately before; or *Moribus deductio*, that is, a customary leading the vnlawfull possessor out of the ground, thereby to euer possession. *Vis simulata, altera à lege, altera emanauit à moribus* hath 3. Signs. The first of these did arise from the Roman law, the other from a custome amongst the Romans; the first of these isto be seene in Tully his oration *pro Murena*, the other *pro Cæciliâ*. To these *Sigonia* addeth a third kinde of seeming violence; which how iustly he hath tearmed a violence, I shall leaue to the indifferent iudgement of the vnpartial reader. The right of the Lordship or owing any thing was sued for in this manner: the plaintiffe did question with the defendant thus first, *An auctor esset*, that is, whether he had not countely made away the possession of the thing, thereby to frustrate the action. Secondly, *An sponderet*, that is, whether he would

A. Gel. no. 8.  
Artic. 120. c.  
10.

De ind. lib. 1.  
cap. 21.

De ind. lib. 1.  
cap. 21.

De ind. lib. 1.  
cap. 21.

v Sigon. de iu-  
dic. l. cap. 21.

(Cic. orat. pro  
Muræna &  
pro Cæcinnæ.

v Sig. de iud.  
lib. 1. cap. 21.

v Sigon. de iu-  
dic. lib. 1. c. 27.

put in a gage of money into the court, which he would forfeit if he were cast, which being done, the plaintiffe did also vpon the demand of the defendant put in a gage of money to be forfeited, if he preuailed not in his suit. This gage of money was tearmed *sacramentum*; and in this sense, *Tully pro Milone*, saith, *In iustis vindicijs, & sacramentis alienos fundos petunt* that is, they sue for other mens grounds, with vniust actions and gages of money. Thirdly, *An satisfaret*, that is, whether he would put in surety, that doring the triall in law, the ground or house called in question should not bee impaired, The soleme forme of words vsed in the first demand, is thus, to be seene in *Tully, Quando in iure te conspicio, postulo an fies auctor?* If the defendant held his peace, then was hee adjudged to pay all costs and damage; if he professed himselfe the present possessor, then did the plaintiffe proceed in manner as he should for the possession thereof; if he denied it, then did the Prator say vnto the plaintiffe, *Quando negas, sacramento quæris*: Therevpon saith the plaintiffe to the defendant, *Quando negas, te sacramento quinquagenario provocas: spondes ne te soluturum quinquaginta asses, si auctor sis?* To whom the defendant seplied, *spondeo quinquaginta asses si auctor sim: Tu vero spondesne idem, si sim?* The plaintiffe answered, *Ego quoniam spondeo*. Now in this kinde of stipulation, the plaintiffe was said *sponsione & sacramento provocare*; *sacramento rogare, quære, & stipulari*, that is, to challenge one to pawne a summe of money for the triall of a suit in law. The defendant was said, *contendere ex provocations, contendere sacramento, & restipulari*, that is, to be sued in such manner. This money was tearmed *sacramentum*, because when it was forfeited, it was bestowed *in rebus sacris & divinis*. Touching the last interrogatory, I read no set forme of words, but by the word *satisfactio*, the intelligent reader may coniect, that it did somewhat symbolize with our English custome of putting in byale. This putting in of byale was twofold. The one was *satisfacere indicium solus*, to bind himselfe

to

to pay what should be adiudged. The second, was *satisfactio*  
*rem ratam habere*. To become bound that he would stand to  
 the verdict and iudgement of the court. The first of these  
 bonds was required to be performed by the defendant: the  
 second by the plaintiffs Proctour or Attourney. But if the  
 Action were an Action of debt, then the Proctours alone  
 became bound; the Plaintiffs Proctour that he would stand  
 to the iudgement; the Defendants Proctour, that the debt  
 adiudged should be payd.

LIB. II. C. 1. §. 1. De iudicio. L. T. B.







## LIB. 4.

*Rites and customes, observed by the Romans.  
in their warres.*

*De Militia.*

Touching the art *Military* used among the *Romanes*, it will not bee impertinent to consider, first how warre was proclaimed, and peace established by them: Then to march on to the description of their bands, or companies, where wee may first observe the office of their chiefe Captaine, and their subordinate leaders, together with the severall wards, into which the univerrall army was diuided. After this we way descend vnto the diuersitie of punishments vsed toward Capriues, and likewise towards refractarious and disobedient souldiers: Adding a *Corollary*, or *Period* to our whole discourse the severall rewards, which the L. Generall with his souldiers after the performance of certaine noble atchiuements receaued. CAP. I.

CAP. I.

*De ritu, quem Romani observârunt vel fœdus ferien-  
res, vel bellum inferentes: & de tripliciratio-  
ne conscribendi milites.*

**W** E E may remember that it hath beene already shewne, that both the proclaiming of warre and peace belonged vnto a certaine order of Roman Priests called *Fœciales*, whom by reason of their office I Englished *Operatores at armes*. The rites and ceremonies, which they used, when they proclaimed peace were as followeth: One of those Heralds having his commission from the State (after that both sides had agreed vpon the truce and league now to be concluded) tooke vp a stone in his hand using this solemne forme of words: *Si recte & sine dolo ma-*  
*lo hoc fœdus arg, hoc in iurandum facio, di, mihi cuncta falicia*  
*prestant, sin aliter aut ago cogito (ceteris omnibus salvis) in*  
*propriis patriis, in propriis legibus, in propriis laribus, in propriis*  
*templis, in propriis sepulchris solus ego peream, ut hic lapis è*  
*manibus decideret, and therewithall he cast the stone out of his*  
*hand: which manner of oath was tearmed Iurare Iovem la-*  
*pidem, or per Iovem lapideum*; that is, as it hath beene rendred  
by *Fæstus*, to sweare by *Iupiter* holding a stone in ones hand.  
Many say that he did cast that stone at an hogge or porker brought thither purposely, adding these words to the for-  
mer, *Si prior populus Romanus defexit publico consilio, tum ille*  
*Dies Iupiter, populum Rom. sic ferio, ut ego hunc porcum hodie fe-*  
*riam*: alluding to which custome *Virgill* saith,

*Et caesa inagabant fœdera porcâ.*

The manner of denouncing warre hath beene already shewne. The act of service in warre was tearmed *Mereri sub hoc vel illo duce*, that is, to serue in warre vnder this or that Captaine; and whatsoeuer souldier was discharged of his ser-

a Polyb. vid.  
Rofin. antiq.  
l. 10. c. 2.

b Sig. de iure  
ita. l. 1. c. 1.

e Orat. pro  
lege Manil.  
d Serv. l. 2. &  
7. Eneid.  
e Lipf. de mi-  
lit. Rom. lib. 1.  
dial. 8.

f Vid. Lipf. de  
milit. Rom. l. 1.  
dial. 6.  
g Lipf. de mul-  
lit. Rom. lib. 1.  
dial. 4.

vice, as having served out his whole time, he was called *miles emeritus*, & by <sup>c</sup> Tully, such an one is said *stipendia confocisse*.  
<sup>d</sup> *Servius* hath observed that the *Roman* souldiers were pres-  
 sed three manner of waies: per *Sacramentum*, *Coniurationem*,  
 & *Evocationem*. But <sup>e</sup> *Lipsius* censureth him for the amisse  
 explanation of the last member. Therefore the indifferent  
 reader shall giue me leave to borrow the termes from *Ser-  
 vius*; but the explanation of them partly from *Servius*, and  
 partly from *Lipsius* in the places now quoted. Ordinarily  
 souldiers at their presse did each severally take their oath not  
 to forsake their Captaine or country; and this oath was called  
*Sacramentum militare*. The words thereof are rendered by  
<sup>f</sup> *Polibius* thus: *Obi imperaturus sum; & facturus quicquid  
 mandabitur ab imperatoribus, iuxta vires*; & those were term-  
 med *Milites per sacramentum*. <sup>g</sup> This sort of souldiers were  
 vpon appointed daies as it were of publique Muster, elected  
 and chosen by the military *Tribunes* vnder the *Consuls*: the  
 assignement of the day did chiefly belong vnto the *Consuls*,  
 at which time if any souldier withdrew himselfe, and did not  
 appeare, he was severely punished, sometimes by imprison-  
 ment, sometimes by confiscation of his goods, sometimes by  
 being sold for a bondslaue. Vpon extraordinary occasions  
 (as when tumults or commotions did cause any suspicion of  
 imminent danger) the chiefe leader of the souldiers did goe  
 vnto the Capitoll, and bring forth two banners or flaggs, the  
 one red called therefore *Vexillum Roseum*, vnto which the  
 footmen repaired, the other sky-coloured called therefore  
*Caruleum*, which the horsemen followrd. The reason why  
 the horsemens banner was sky coloured, is<sup>h</sup> rendred thus,  
 because it did most resemble the colour of the sea, which co-  
 lour they deemed most acceptable to *Neptune*, who was both  
 the God of the sea, and the first author of horses. Now be-  
 cause the suddaine danger would not yeeld so much time,  
 that they might severally be shorne, therefore did they take  
 their oath in common all together, onely one chiefe souldier  
 throughout

throughout a whole legion, tooke his oath at large, and in  
 expresse words, the rest followed in order one by one, say-  
 ing *Ἰσχυρὸς ἀπαύτος*, that is, that hee swore the same as the  
 first. If the Tribune distrusted his souldiers fidelity, then  
 would he swear the every one severally in tearmes at large.  
 And thence were they called *Milites per conisationem*; as  
 likewise *Milites subitarij* in respect of their suddaine presse.  
 The third member may also be admitted, if we with *Lipsum*  
 vnderstand it in its true sense, namely for those souldiers  
 who by the L. Generall were added vnto the body of their  
 army: hee hauing authority to call out such other souldiers,  
 who for their long service were discharged from giuing in  
 their names at a muster. And these are generally by all au-  
 thors tearmed *Milites euocati*, and *Lipsum* deemerh them all  
 one, with those whom *Servius* calleth *Milites per euocatio-  
 nem*. The souldiers being thus pressed, if they purposed to  
 make war vpon their enemies, then did the L. Generall sum-  
 mon them to prepare themselues by a sound of Trumpets; &  
 this was tearmed *Classicum cane, à calando*, which signifieth  
 to call. Which being done, a skarlet banner was hanged out  
 at the L. Generall his pavilion: from which ceremony I think  
 that that common adage did first arise, *Conferre signa, & Col-  
 latis signis pugnare*, to ioyne battle. Immediately vpo this they  
 did *Barritum tollere*, make a great shout or noise with their  
 voices to the greater terror of their enemies: & that the noyse  
 might be the greater, they did *Arma concutere*, rustle toge-  
 ther with their armour, and clash their swords. These foure  
 ceremonies are to be scene more at large in *Lipsum*. Vnto  
 which we may adde the fift, observed by *Fr. Syluius*; name-  
 ly that at the remouing of their campe they did *conclamare  
 vasa*, giue a great shout or cry in token that the souldiers  
 should trusse vp their bagge and baggage: and hence it is that  
*Plautus* useth this phrase, *Colligatis vasis*, to signify as much  
 as *parate* or *expedite*. Now that they might be the readier for  
 battle, they did gird (as I suppose) their souldiers coats close

*Lip. de mil.  
 lib. 1. dial. 6.*

*Lip. de mil.  
 Rom. lib. 1.  
 dial. 8.*

*Lib. 4. de mil.  
 lib. Rom. dial.  
 11. & 12.  
 In ep. viror.  
 illust. l. 4. ep. 1.  
 in Plaut. in  
 Pseudolo.*

n Pigh. in sua  
praefat. lib. 1.  
septim.  
o Alex. Gen.  
dict. 1. c. 20.

Vnto them; & a souldier thus girt was called *Cincturus*, that is, (saith Pighius) *Cinctus*. ° *Inde distinctos ignavos, & militia minime aptos putarunt, Pracinctos vero fortes, & strenuos.* Hence also is that proverbiall speech. *In pracinctu stare* or *Vivere*, To be in a readinesse continually.

*Non pudet ad morem discincti vivere Nacer. Pers. Sat. 3.*

## CAP. 2.

*De Legione, Auxiliis, & legionis partibus.*

THE Roman forces were in old time divided into two severall parts; namely in *Legiones & Auxilia*, into Legions and Auxiliary bands. The Auxiliary bands were such forces as the neighbour and confederate countries did send vnto the Romans. The Legions were taken out of the body of the Romans, *Legio*, a diligendo dicta est, from the choice and selecting of souldiers. ° *Romulus* is said to have beene the first author of these Legions, making every Legion to containe three thousand footmen, and three hundred horsemen, ° one thousand footmen & one hundred horsemen being taken out of each nationall Tribe. Afterward it was augmented by *Romulus* himselfe into foure thousand footmen, ° whence it was called *Quadrata legio*. And in processe of time a legion increased vnto the number of six thousand: which number it seldome or neuer exceeded (as it appeareth by *Sigon*, in the place now quoted.) Now none could be ordinarily registred for a souldier vntill the seven. teenth yeare of his age, ° at which his first admission he was tearmed *Tyro*, a fresh water souldier: and hence figuratively *Tyrotinium* hath not beene translated only the first entrance into warre, but also the initiation or first entrance into any art or science whatsoever. After he had served many yeares, then was hee tearmed *Veteranus*, an old beaten souldier.

x The Roman legion was divided in *pedites & equites*, there being

p Plutarch. in  
Romulo.  
q Rosin. anti.  
lib. 10. cap. 4.

r Sig. de iure  
Rom. l. 1. c. 15.

f Sigon. ib.

s Alex. Gen.  
dict. 1. c. 20.  
° Panciroll.  
rerum deper.  
dit cap. de  
habir. & vest.  
veter.

x Sig. de iure  
Rom. l. 1. c. 15.



being commonly for every thousand footmen an hundred horsemen. *Pedites distributi erant in Cohortes; Cohortes in Manipulos; Manipuli in Centurias*. Equites distributi erant in *Turmas*, *Turma* in *decurias*. The word *Cohors* doth signifie that part of ground, which is commonly enclosed before the gate of an house, & which from the same word wee call a Court: and *Varro* giueth this reason of the Metaphor. As in a farme house (saith he) many out-buildings ioyned together make one inclosure: so *Cohors* consisteth of seuerall maniples ioined together in one body. It is manifest (saith *Alexander*) that the *Romans* in ancient time did very seldome, yea neuer (except in great necessity) inroll into their vniuersall army aboue foure legions: & in an ordinary legion, which he termeth *Legionem in istam*, ten *Cohortes*; every *Cohors* containing 3 maniples, every maniple two Centuries, every Century an hundred souldiers: whence they from *Centum* were called *Centuria*, a centurie: <sup>b</sup> These centuries were sometimes diuided into lesser numbers called *Contubernia*; every *Contubernium* containing ten souldiers besides their captaine; <sup>c</sup> which was called *Decanus*, and *Caput Contubernij*. Where we must obserue, that *Contubernium* doth signifie as well the pauillion or lodging it selfe, as the souldiers lodging therein: & it may be so called *quasi contubernium*, from *Taberna* signifying any slight lodging made of boards. Those that ruled ouer a thousand footmen we may in English call Seriaunts maior. They called them *Tribuni militum*. Those that gouerned ouer the centuries were called by them *Centuriones*, by vs in English *Centurions* and they had their inferiour officers vnder them, which were called *Terigidulatores*, or *Extremi agminis ductores*. <sup>d</sup> Their office was to ouersee and looke vnto those of the campe which were sick, who commonly came behind the army, *quasi extremum agmen & cergum acies*. The horsemen were diuided into seuerall troopes called *Turmae*, every *Turma* containing thirty horsemen. Againe every *Turma* was subdivided into three lesse companies called *Decurie*; every

Edmunds in his observ. vpon Cæsars Comment. lib. 2. c. 3. & Varro lib. 3. de re rustica. & Alex. Gen. dier. l. 1.

<sup>b</sup> Varro. vid. Rosin. ant. Rom. l. 10. c. 5. <sup>c</sup> Rosin. ibid.

<sup>d</sup> Veget. vid. Rosin. ant. Rom. l. 10. c. 7.

*Decuria* containing ten horsemen: whence their captain was called *Decurio*, and the captaines ouer the greater troopes, namely ouer the seuerall wings of the horsemen, were called *Equitum praefecti*. Now the chiefe gouernour ouer the vniuersall army was called commonly *Imperator*: we in English call him a L. Generall. His Lieutenant or E. debuty was called *Legatus*,<sup>e</sup> who in old time was sent *non tam ad imperandum, quam ad consulendum imperatori*. This word *Imperator* in the *Roman* histories hath a threefold acception: first it istaken for him, who by commission from the state hath the managing of an army, being the same that *Prætor* was in ancient time: and in this sence it hath affinity with the office of our L. Generall. Secondly for such a L. Generall, who by his prowesse hauing put<sup>f</sup> one thousand of his enimies to the sword, was both by his souldiers saluted, and the *Senate* stiled by the name of *Imperator*. But if he had slaine lesse then one thousand, he was not thought worthy of this solemne salutation by that name. Lastly it was taken for a soueraigne Prince, King, or Monarch, in which sence it was the *Prænomen* of all the *Roman* Emperours from *Iulius Caesar* forward. Now because the souldiers in a legion must of necessity differ much in estate, age, & experience, some being wealthier, elder, and of more experience then others; hence was it requisite also, that there should be a distinction of places in their armies, according to the desert and worth of each severall person. We are therefore likewise to vnderstand<sup>g</sup> that the *Consuls* every yeare made a generall muster: at which time the military tribunes chose out the youngest and poorest of all the rest, and called them by the name of *Velites*. Their place in regard of other souldiers was base and dishonourable, not onely because they fought a farre off and were lightly armed; but also because they were commonly exposed to their enimies as forelorne hopes. According to<sup>h</sup> *Lipsius* these *Velites* were commonly placed either *In Fronte*, *Uis*, or *Cornibus*. 1. In the front of the army. 2<sup>ly</sup> in the distances

<sup>e</sup> Lips. de mil.  
Rom. lib. 2.  
djaf. 10.

Barth. La.  
som. in Phil.  
orat. 14.

<sup>g</sup> Lips. de mil.  
Rom. l. 1. dia. 3

<sup>h</sup> Lips. de mil.  
Rom. lib. 4.  
diak. 3.

stances, or spaces between the severall Maniples. <sup>3<sup>d</sup></sup> In *Cornibus*, that is, In the wings of the battle: Not that the wings at any time consisted of those *Velites*, for that was the *Socj* and Auxiliary forces; but either the spaces in the wings were filled vp by those *Velites*, or else they might obtaine a promiscuous place among those forrainers. Notwithstanding they did like scouts run too and fro casting out their darts (as occasion was offered) and so retire: whence when a man doth leape from one thing to another in histance, we say he doth *Agere velitatem*. Having chosen out a competent number of these scouts, they proceeded to the choice of them, which they called *Hastati*, that is, Pike-men: forasmuch as they fought with a kinde of iaveling, which the Romans called *Hasta*. These pike-men fought in the first part or fore-front of the maine army. The third choise which they made, was of the strongest and highest bodied men, who for the prime of their age were called *Principes*: and hence was the second place or ward in the maine army called *Principia*, according to *Thrase* his speech, *Ego ero post principia*; that is, I will follow the *Principes* thereby choosing to himselfe the best, and safest place. The last sort of souldiers, which stood in the third place or reward, were called *Triarii*. They were of all, the most approued, and the very last help of refuge; so that if they failed, all was lost: and hence ariseth that forme of speech, *Ad triarios ventum est*,<sup>1</sup> whereby we signifie that a thing is come to the last push. As I suppose, the weapon wherewith these *Triarii* fought, was a dart with yron fastned at the end of it, called in Latine *Pilum*. The reasons of this my coniecture are these: first because the first century of these *Triarii* was called *Primum pilum*, and their centurion *primopilus*, and *Primpilus*, and *Primus centurio* because hee was the chiefe centurion in a whole legion, as hauing the charge of the chiefe banner called the Eagle: <sup>1</sup> whence *Aquila* is sometimes vsed to signifie *Primopilatum*, the office and place of the *Primopilus*. The second Century was called *secundum*

Terent. Euan.  
AG. 4. Scen. 7.

Alex. Gen.  
dier. l. 5. c. 15.

(Lip. de mil.  
Rom. lib. 2.  
dia. 1.)

*pilum* and their Centurion *Secundi pilus*, &c. Secondly, they called the *Principes*, which marched in the battle immediatly before these *Triarii*, *Antepilanos*: which argueth that those souldiers which followed next should be the *Milites Pilani* and by consequence their weapon should bee that kinde of dart which they called *ilum*. Their manner of embatrelling was diuers. Sometimes they would make a winged army so that the maine body thereof should be in the middle, and on each side a lesser company: The maine body wee in English call the *Maingard*, and the two lesser companies we call *Wings*; as likewise in *Latine* they called them *Alas acies* and *dextrum vel sinistrum eorum*.<sup>m</sup> *Pancirollus* calleth them *Vexillationes*, because there fought no more in either wing, then belonged to one banner called in *Latine* *Vexillum*. The gouernours of these wings hee calleth *Alarum Praefectos*. Sometimes they embatled so, that the forefront of the Army being small, it was enlarged bigger and bigger backward in manner of a triangle: By <sup>a</sup> *Lipsius* it is demonstrated vnto vs vnder the forme of the greeke letter  $\Delta$  He in the same place calleth it *caput porcinum*, quia velut fudit & ruit in vadendo. Commonly it is called *Cuneus militum*, the metaphor being borrowed not only fro the resemblance it had with a wedge, but also from the vse of a wedge: for they neuer embatled in that forme, vnlesse it was to breake through their enemies, the piercing angle being thicke compacted with targets. Sometimes they did in a quite contrary manner enlarge their army in the fore-front, making it to end in an angle: and<sup>o</sup> this they called *forfex* and *Forceps militum*. Sometimes their forme of embatling was circular, and then was it called *Orbis vel globus militum*. The banner or flagge was properly called *Vexillum* being a deminutive of *Velum*. It was also called *PBandum*: whence we doe at this day call so many souldiers as doe fight *sub eodem bando*, a band of souldiers: as *Romulus* called those that fought *sub eodem manipulo* *fœni* an handfull of hay being vsed at that time instead of a flagge) *Manipulum militum*, *Ouid.*

<sup>m</sup> *Pancir*, in  
notit. orient.  
& occident.  
imper. c. 32.

<sup>a</sup> *Lips. milit.*  
*Rom. lib. 4.*  
dial. 7.

<sup>o</sup> *Lips. milit.*  
*Rom. lib. 4.*  
dial. 7.

<sup>p</sup> *Festus*, vid.  
*Pancir*, in not.  
orient. & occi-  
dent. imp.  
cap. 32.

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observed by the Romans in their warres.

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*Percita suspensos portabat longa maniplos.*

*Vnde manipularis nomina miles habet.*

\* *Suidas* is plaine, Βάνδον καλῶσι Ῥωμαῖοι τὸ ἐν πολέμῳ that is, The Romans called their military ensigne a Band: hence others haue vsed Βανδοφόρος to signifie as much as *Signifer*, an *Aunsient*-barer.

† *Suid. in voce*

*Βανδον*

CAP. 3.

*De oppugnatione urbis, & ijs qua ad oppugnationem requiruntur.*

**I**F the siege of a towne seemed difficult and hard to compass, then did the Romans vse certaine meanes of policie for the better effecting thereof. They inuironed the towne with a broad & deepe ditch, adding thereunto a rampier fortified with many castles and fortresses; whereby they both kept the towne from any forsaigne succour, and withall secured themselves from sallies and other stratagems. This rampier did extend it selfe toward the walles of the city, so that by making (as it were) a great hill, they might overtop the citty, and fight with the greater advantage. Now that this greater heape of earth might become firme and well able to support the buildings to be erected vpon it, they did cast in such timber and stones among the earth; and this heape of earth, stones, and timber when it was reared, was properly called *Agger*; whence commeth both the Latine verb *Exaggerare*, and the English to *Exaggerate*, that is, to amplify or encrease a matter. The stakes, posts, and trees, which were rammed in about this bulwarke or rampire to vphold the earth, were sometimes called *Cerui*, because of their forked and sharps tops, but more properly *Valli*, and *Valla*. The distance or space betweene each stake was called *Intervallum*; though now *Intervallum* doth signifie not only such a distance, but any distance either of space or time, as it appea-

q *Lips. polior,*

lib 2. dial. 2.

r *Serv. Anei.*

lib. 10.

(*Cic. ep. fam.*

lib. 1. ep. 7.



(Cic.ep.fam.  
lib.1.ep.7.

1 A.Gel. Noc.  
Artic.1.15.

u Rosin. ant.  
Rom. lib. 10. c.  
16.

x Lips. polior.  
lib.1. dial. 9.

y Rosin. ant.  
R.1.10. c. 16.

z Red. in Flo.  
L.4. c. 10.

a Rosin. ant.  
Rom. lib. 10.  
cap. 16.

reth by that off Tully: *Intervallo locorum, & temporum dis-*  
*unctis*. Sometimes *Vallus* doth signifie a pole or stake, where-  
vnto vines are tyed; according to that receiued adage, which  
we vse when a speciall friend forsaketh one, *Vallum vitem de-*  
*cepit*. From the first signification it is, that *Vallum* doth often  
signifie the inclosure, or hedging in of trees & stakes, where-  
with the bulwarke is vp'held: Alluding whereunto *A: Gellius*  
translateth *ἔπος ὁδὸν ὡς*. *Vallum dentium*. The meanes of their  
defense, whiles they were making this their rampire, was a  
certaine engine or ordinance of warre<sup>a</sup> made of planks and  
hurdles running vpon wheelles, vnder which they might rest  
secure from all stones and darts cast from the wals of the ci-  
ty: It was called *Vinea*. A second engine was *Musculus*: The  
matter whereof it was made I haue not read: but the vse of it  
was, that vnder it the souldiers might approach vnto the wals  
of the citty, and vndermine them. Thus much <sup>x</sup> *Lipsius* see-  
meth to inferre, when he rendreth the reason of the name: *Musculus* ideo dictus, quia instar eius animalculi foderent sub  
eo terram. A third meanes of their defence was *Miluaris tes-*  
*tudo*. This word *Testudo* in the art Military had a double ac-  
ception, both being borrowed from the resemblance of the  
*Tortoise* shell, which is the true and genuine signification of  
this word. In the first acception *Testudo*, <sup>y</sup> doth signifie a  
warlik engine or fence made with boards couered over with  
raw hides, which serued against fire and stones cast at the  
souldiers, vnder this they might safely assaile the wals. <sup>z</sup> In  
the second acception it signified a target-fence, which was a  
close holding together of targets ouer head like a vault or  
roofe, wherewith the footmen did defend themselves from  
the thicke shot of arrowes or slinging of stones. Their rampter  
or coutermour being finished they vsed certaine great tim-  
ber towers made vpon wheelles to run too and fro, which  
they called *Turres ambulatorie*, moueable turrets. These  
towers had many stories one ouer the other, <sup>a</sup> wherein they  
carrying ladders and casting bridges thereby to scale the  
wals

wals. The engines hithervnto haue beene defensiuē, such wherewith the Romans defended themselves in their seige: others there were offēsiue, wherewith they did assaile the city and of those the chiefe were *Balista sine Catapulta*, *Scorpius sine Onager*, *Aries*, & *Mulleoti*. The first of these engines as it was called *Balista* *ἡ δὲ τῷ βάλειν*, from darting or casting forth any thing, <sup>b</sup> so was it in old time called *Catapulta* *ἡ δὲ τῷ πάλιν*, which signifieth a shaft or dart; Though it cannot be denyed, but that *Pelta* doth also signifie a kind of shield made in the forme of an halfe moone, according to that of *Virgil. Aeneid lib. 1.*

*Ducit Amazonidum lunatis agminapeltais,*

*Penthesilea furens.---*

The forme thereof followeth, translated word for word out of <sup>c</sup> *Marcellinus*. (Between two planks there is set in frame; <sup>c</sup> *Am. Marc.* and fast ioyned a strong and bigge yron, reaching out in <sup>1</sup> *23. cap. 3.* length after the māner of a good great rule; out of the round body whereof, which is artificially wrought, there lyeth forth farther out a fowre square beame, made hollow with a direct passage in manner of a narrow trough, tyed fast with many cords of sinewes twisted one within another, and therevnto are ioyned two wooden skrews; neere vnto one of which standeth the cunning Balistier, and subtilly putteth into the hollow passage of the beame a wooden shaft with a bigge Head glewed fast to it. This done on both sides, two lustie young men doe bend the engine by turning about certaine wheeles. When the top of the head is drawne to the vttermost end of the cords, the shaft being carried forth of the *Balista*, by the inward force thereof, it flyeth out of sight. That the reader may receaue the more light in the vnderstanding of this obscure descriptiō, I haue added the very words of *Marcellinus*. [*Ferrum inter axiculos duos firmum compaginatū & vastum, in modum regula maioris extensum: cuius ex volumine teretis, quod in medio ars polita componit, quadratum eminet. Stylus extensus recto canalis angustius meatu cavitū, &* *hac*

*hac multiplici chorda nervorum tortilium illigatus: eiq; cochlea  
duo lignea coniunguntur aptissime, quarum propè unam adificat  
artifex contemplabilis, & subtiliter adponit in temonis canami-  
ne sagittam ligneam spiculo maiore conglutinatam: hocq; facto  
hinc inde validi iuvenes versant agiler rotabilem flexum.  
Quum ad externitatem nervorum acumen venerit summum,  
percita interna pulsu à balista ex oculis evolat.* In respect of its  
use we may english it a Crosse-bowe: but it was much bigger,  
and of a different forme, The Scorpion, which now they call  
Onager, is described by Marcellinus in the same place thus.  
[Two oaken or elme beames were hewen out, and somewhat  
bended so that they seeme to bunch out in backes; and these

† Machine  
Serratorie

† Ab hac, me-  
dicatate testi-  
um) Here we  
must note that  
this signification  
of testes is bor-  
rowed from the  
Anatomists  
which do call  
certaine eminent  
parts behind.  
φωλλας ονεις τις  
Testes, Vid.  
Fuchl. instit.  
med. l. 1. Sec. 5

in manner of a saw engine are tied fast together, being bored  
through with wide holes, through which (by the means of  
those holes) strong cords are tied, keeping in the whole frame  
that it start not aunder. From betweene those bunches, an-  
other wooden beame reaching forth ouerthwart, & in man-  
ner of a waine-beame erected vp, is tied with such devices vn-  
to certaine ropes, that it may be pulled vp higher, or let down  
lower at ones pleasure; and at the top thereof certaine yron  
hooks are fastned, from which hooks there hanged downe a  
certaine sling either of yron or tow: Under which erected  
beame there lyeth a great peece of haire-cloath full of small  
chaffe tied fast with cords, & placed vpon a banck of turfes,  
or a heape of bricke: When therefore it cometh to the  
point of skirmish, a round stone being put into the sling, foure  
young men on one side loosing the beames, into which the  
ropes are incorporated, doe drawe backe the erected beame  
vnto the hook. Thus at length the master of the engine stand-  
ing in some high place, giuing a mighty stroke with a ham-  
mer (and as I suppose vpon the cord, whereunto the erected  
beame was fastned, with his hooke) setteth open the railes,  
that containe the whole worke, in somuch that this erected  
beame being now at liberry with that quicke stroke, and hit-  
ting against the soft haire-cloath, it hurleth out the stone,  
that

that will batter whatsoever is in the way. And it is called *Tormentum*, quod ex eo omnia explicatio torquebatur. It is also called *Scorpio*, because when the long beame or tillar is erected, it hath a sharp top in manner of a sting. The moderne time hath imposed vnto it the name of *Onager*, that is a wild Ass, because that wild Asses, when they are coursed by hunters, sling back stones with their heeles a farre off, so that oftentimes they peirce the breasts of them that follow them. The Latine word is made from the Greeke *ἄγος*, that is, *Assinus* & *ἄγος*, *vel ager*. Now if any aske mee, why that sackcloth of albes was interposed, the reason is rendred by *Marcellinus* in two lines; which I purposely did not translate in their place, because I would continue the sense, without such a long *parenthesis*. The reason is there deliuered thus; because the violence and force of the erected beame recoiling, after it had beene by the stroke discharged, was such that it would shake in peeces the strongest wals, except there were some soft thing interposed, whereby the forcible strength of the recoil might bee by degrees slaked. The *Aries* or *Ramme* is described also by *Marcellinus* in the same place. [The Ram was a great tree, or beame like vnto a mast of a ship, hauing a peece of iron in manner of a Rams head, fastned at the end thereof, wherewith they did demolish and batter downe the wals of a City. It was hung vnto a beame, which lay a crosse ouer a couple of Pillars, and hanged thus equatly ballanced, it was by force of men pulled backward, and then recoiled vpon the wals.] The *Rammes* which *Titus* vsed at the siege of *Hierusalem*, ranne vpe on wheels: which kinde of *Rames* are described by *Iosephus*. There be, saith he, other manner of engines, as an iron *Ramme* vpon 4. wheels, bound with yron, and fastned with yron nayles, so this they make foure feet answeareable to the bignesse of the beame & every foot hath his seuerall wheele, and when they will batter the wall, certaine men first pulling it backe, they recoil it by the help of foure wooden leauers put in the hin-

der part thereof for that purpose. The head of this Ramme hath no hornes, but is blunt, made of the strongest kinde of yron, with a wonderfull thick neck. They haue also of both sides of the Ram a pentife of wood for the safegard of those that recoile it. *Iosephus Ben. Gorion de bello Iudaico*. In lieu of these Rammes another engine was found out, called *Helepolis ab inuistato* \*ΕΛΛΗ, that is, capio, and πολις, that is, ciuitas, The forme of it is to be seen also in *Marcellibid.* [There was (saith he) a *Tessudo*, or vaulted frame made, strengthened with very long peeces of timber: it was couered ouer with Oxehides, and greene wicker hurdles: the vpper part or conuex surface thereof was overlaid with mudde, to the end that it might keep off the fall of fire and casting of weapons. Now there were fastned in the front of it certaine *Cassides trifulca*, that is, iron pikes with three edges very massie, in manner of the thunderbolts, which Painters and Poets exhibit vnto vs. This great engine the souldiers ruling within with diuerse wheeles & ropes, with maine force they thrust it against the wals.] *Malleoli* (saith the same *Marcellinus*) were certaine darts fashioned on this manner: there was an arrow made of a cane, betwixt the head and the necke whereof was fastned an iron full of clefts; which arrow like vnto a womans distaffe, on which linnen is spinned, was finely made hollowe within the belly, yet open in many places: In the belly it receaued fire with fuell to feed vpon. And thus being gently discharged out of a weake bow (for with an ouer strong shooting the fire was extinguished) if it tooke fast hold on any place, it burned the same, and water being cast thereon, the fire increased, neither was there any meanes to quench it, but by casting dust on it. Now if they could not preuaile by these engines called *Machina*, then did they make certaine passages vnder ground, which they called *Cuniculi* from *Cuniculus* signifying a cony-berry: insomuch that these two phrases are opposite, *Machinis*, and *Cuniculis oppugnare*, as it appeareth by that of *Plutarch Caesar non iam cuniculis*,  
sed

d Plutarch in  
vit. C. Cæs.



*sed machinis tollit rempublicam*, that is, He doth not now covertly, but with open violence assault the common weale,

Ca P. 4.

*De Pannis in hostes devictis.*

**A**Lbeit after the victory the Romans inflicted diverse degrees of punishment, according to the malice found in an enimie: yet were they alwaies compassionate, & (as histories testifie) more exorable then any other nation. The punishments which we finde them to have used towards a conquered nation are these. Either they punished them by death; or sold them *sub corona*; or dismissed them *sub iugum*; or merced them in taking away their territories; or made them tributary states. <sup>e</sup> An enimie was said to bee sold *sub corona*, when he being placed in the market place, a crowne was put vpon his head in token of such a sale: or therefore certaine captiues were said to be sold *sub corona*, because at such times they were environed about with souldiers to keepe them together, and this circle of souldiers, as likewise of all other companies, is called *Corona*. When they dismissed any *sub iugum*, <sup>f</sup> they erected two speares with a third lying a crosse in manner of a gallowes: then they caused them being disarmed, and their belt taken away to passe vnder in token of bondage. When their territories were taken from them, they were commonly conferred vpon old beaten souldiers, in way of remuneration for their faithfull service. This transplantation was tearmed *Colonia deductio*; <sup>g</sup> and the place ever after *Romana colonia*, that is, a Roman Colonie. At which times they chose out every tenth man, *viz* such as were able and of best sufficiency to make and establish a publike councill; <sup>h</sup> whom they named *Decuriones*. Whence we may obserue, that *Decurio* is not alwaies taken for a Captaine ouer ten horsemen, but sometimes it is used to

<sup>e</sup> A. Gel. 7. c. 4

<sup>f</sup> Stad. in Flor. lib. 1. c. 12.

<sup>g</sup> Sig. de iure Ital. 1. c. 4.

signifie an Alderman or chiefe Burgesse in a Roman Colony. These Colonies were of two sorts, some called *Colonia Latinæ*; others *Italica*. The Latin Colonies had *Ius civitatis*, *suffragij* & *Magistratus capiendi*; si in sua Colonia magistratum gessissent. *Italicis* autem, *Ius civitatis* & *suffragij* nullum erat, immunes tamen erant, nec tributum aut stipendium pendebant, ut provincia solebant. Turneb. advers. l. 1. c. 11. Divers times the Romans would be content after the conquest to grant to their enemies a peaceable injoying of their lands & possessions, conditionally, that they would yeeld all faithfull allegiance vnto the L. Deputy, whomsoever the Senate of Rome should place over them. The L. Deputy was either stiled by the name of a *Proprator*, a *Proconsul*, or a *Præfectus*. Those places where the two first sorts of gouernours did rule, were tearmed *Provincia*; the other from the gouernour was tearmed *Præfectura*. Where we most obserue that this word *Provincia* hath a threefold acception. First it is taken for a country, which by the force and power of armes is subdued to the Roman Empire, and gouerned by some Roman Deputy sent from the Senate: and this is the proper & primitiue signification thereof, it being so called, <sup>h</sup> *Quod populus Rom: eam pro vicis, id est, ante vicis*. Secondly, it is taken for any region or country, where the L. Generall or chiefe Captaine ouer a Roman army doth mannage warre against any nation by commission from the Senate. Lastly, it signifieth any publike function, or administratio of office; yea any priuate duty, charge or taske either vndertaken, or imposed; according to that of <sup>i</sup> Terence, *Prouinciam cepisti duram*, that is, thou hast vndertaken an hard taske. Now the tribute to be paid was either certaine, or vncertaine. The certaine was properly called *Tributum vel Stipendium*; and those who paid it were tearmed *Tributarij sine Stipendiarij*: and this Tribute was of two sorts, either ordinary, such as was required from every house yeately, euen in the time of peace; or extraordinary, such as was leuiued by a law or decree of the Senate towards vnex-  
pected

<sup>h</sup> Pigh. lib.  
Tyrannif.

<sup>i</sup> Terent. in  
Phor.

pected charges. The vncertaine tribute properly called *Pecunia*, was either imposition, such as was collected in ha-  
ven townes for the transportation of marchants wares, and  
that was called from *Pons* *Portorium*, or from *Porta* *Portu-*  
*rium* and the receauers thereof *Portitores*. The wares after  
the imposition had bene paid were sealed by the *Publi-*  
*cans* with a certaine kinde of tempered chaullen: and this is  
that which *Cicero* vnderstandeth by *Asiatica creta*, or *as pto*  
*Flacco*. Or Tithes come, namely the tenth part of their graine  
and that was called from *Decem* *Decuma*, and the receauers  
thereof *Decumani*, though *Decumanus* when it is an adie-  
ctiue signifieth as much as *Maximus*, according to that of  
*Ouid lib. 1. de Trist.*

Sig. de iure  
Rom. l. 1. c. 16  
Stadius in  
Flor. l. 3. c. 13.

*Qui venit hic flectus supereminet omnes;*  
*Posterior nono est, undecimog, prior.*  
The reason of this signification is supposed to bee, because  
in *Arithmeticke* amongst simple numbers the tenth is the  
greatest: or lastly that mony, which was paid by certaine  
heards-men for pasturing their cattle in the *Roman* fields and  
forests. This kinde of tribute was called *Scriptura*, and the  
pastores *Agri Scriptuarij*; because (as *Festus* saith) the  
bayliffe or receauer of this mony called *Pecunarius*, did scri-  
bendo conficere rationes, that is, keep his account by writing.  
Where we must note, first that all these kindes of Tributes  
were not only required in Provinces or Countries subdued,  
but throughout *Italy*, even in *Rome* it selfe: Secondly though  
each collector of these Tributes was distinguished by a pe-  
culiar name; yet by a generall name they were all called  
*Publicani*, in as much as they did take to rent these publike  
tributes. The chiefe of them, which entred into bond, as the  
principall takers or farmers of these tributes *Tully* calleth  
*Mancipes*. The others which were entred into the same bond  
as sureties, were tearmed *Prædes*. Many times the *Romans* did  
bestow the freedome of their city vpon forraigne countries;  
& the degrees of freedome were proportioned accordingly.

Fr. Sylv. in  
vitor. illust.  
cp. 2. l. 1.

Sig. de iure  
Rom. l. c. 4.

Cic. de A-  
rusp. respon.  
& alias sæpe.

as the countries were. Some they honoured with the name of *Roman* citizens, but excluded them from the right of suffraging, leaving them also to be governed by their ownelawes and magistrates. This state they called a *Municipall* state, in Latine *Municipium*, because they were *Munera*: *huius hono-*

p A. Gel. not.

Attic. 116.

cap. 13.

rarij participes. By *Munus honorarium* in this place is understood nothing but the bare title of a *Roman* citizen, whereby they were priuiledged to fight in a legion as free Denisons, not in an auxiliary band, as the associats. Now the first that ever obtained this Municipal state, were the *Cerites* who for preieruing the holy things of *Rome* in the time of the warre against the *Gaules*, were rewarded with the freedom of the city, but without power of suffraging; From whence it is, that those tables wherein the *Censors* inrolled such as were by them deprived of their voices, were called *Cerites tabulae*; *Horace* calleth such a table *Ceritem ceram*, for the reason shewne before. But we must withall obserue, that some Municipal townes haue either by desert or instant suit obtained the liberty of suffraging also, which occasioneth that receaued distinction, that there was *Municipium sine suffragio*, & *Municipium cum suffragio*. Other countries which could not bee admitted into the freedom of the city, haue obtained, and that not without speciall and deserued respects to be associats and confederates vnto the state of *Rome*. The inhabitants of such countries were sometimes called *Socij*, sometimes *Amici*, sometimes *Latini nominis socij*, &c. The King or Prince of such a country did stile himselfe *Amicus* & *Socij Senatus, & Populi Romani*. Here wee must obserue a difference betweene *Pactio* and *Fœdus*, both signifying a kind of league. That truce which in time of warre is concluded vpon and accepted of both sides for a certaine limited space of time, is properly called *Pactio*; we commonly call it *Inducia*; and it differed from *Fœdus*: first because that *Fœdus* is a perpetuall truce or league, secondly because it was necessary, that one of those Iperals at armes called *Fœciales*, should by

q A. Gel. ibid.

A. Gel. ibid.

7 Sig. de iure

Ital. 1. 1. cap. 1.

f Sigon. ib.

a solemne proclamation confirme this league called *Fedus*, neither of which conditions was absolutely requisite in their truce tearmed *Pactio*.

C A P. 5.

*Multa militares, quibus milites Romani ob delicta officiebantur.*

**T**ouching the punishments that the Roman L. General vied towards his own souldiers, when they were faulty, they were commonly proportioned vnto the fault committed. Sometimes they were easie, of which sort were also these punishments which did only brand the souldiers with disgrace: other times they were heauier, such as did hurt & afflict the body. To the first sort belonged these: First, *Ignominiosa dimissio*, that is, a shamefull discharging of a souldier, when he is with disgrace remoued from the army. Secondly, *Fraudatio stipendii*, that is, a stopping of their pay: & such souldiers which suffered this kind of mulct, were said to be *ere diruti*, because *Es illud diruebatur in fiscum, non in militis sacculum*, 3<sup>ly</sup>, *Censura hastaria*, whereby the souldier was inioyned to resigne and giue vp his speare: for as those which had atchieued any noble act, were for their greater honour *Hasta para donati*: so others for their greater disgrace were inforced to resigne vp their speare. Fourthly, the whole *cohors*, which had lost their banners, were compelled to eat nothing but barly bread, being deprivied of their allowance in wheat: & every Centurion in that *cohors* had his souldiers belt or girdle taken from him, which was no lesse disgrace amongst them, then it is now amongst vs, that a Knight of our order of the Garter should be deprivied of his Garter. 5<sup>ly</sup>, for petty faults they made them to stand barefooted before the L. General his pavilion, with long poles of ten foot length in their hands: & sometimes in the sight of the other souldiers

[Robinson, ant. 1.10 c. 25]



souldiers to walke vp and downe with turfes on their necks. In the last of these they seemed to imitate their city discipline whereby malefactors were inioyned to take a certain beame resembling a forke vpon their shoulders, and so to carry it round about the towne; It hath some affinity with our carrying of queanes here in England. In the first we haue no custome, that doth more symbolize, then the standing in a white sheet in the open view of a congregation. The last of their lesser punishments, was the opening of a vaine, or letting the blood in one of their armes: which kind of punishment was vsed towards those alone, which (as they conceited through the abundance of their hot blood) were too adventurous & bold. The heavier kinds of punishment were these: first *Virgis; vel Fustes cadi*; to bee beaten with rods; or with stauies & cudgels. None were ordinarily beaten with cudgels but those who had not discharged their office, in the sending about that tablet called *Tessera*, wherein the watch word was written; or that had forsaken their place, where they were appointed to keepe watch; or those who had stolen any thing from out the campe: or borne false witness against their fellowes, or abused their bodies by women: or lastly, that had bene punished thrice for the same fault: those which were in this manner cudgelled, were often killed in the place: but if they escaped aliuie, they went to liue in perpetual exilement. The ceremony vsed in this kind of cudgelling was that the knight Martiall should lightly touch the party to be punished with a club, which being done, all the souldiers did beare him with stauies and cudgels, whence we may say of one that deserueth a good cudgelling in *Tully* his phrase *Fustuarium meretur*, *Polybius* calleth it *ζυλοκοπίας*. *Vid. Lips. de milit. Rom. lib. 5. dial. 18.* If a Roman souldier had broken his ranke by going out of order, then *Virgis cadebatur*, that is, he was scourged with rods. Sometimes the knight Marti- al vpon iust occasion would cause them to be sold for bond- slaues, to bee beheaded, to be hanged. All these punishments were

1 Alex. Gen.  
dier. l. 2. c. 13.

2 Trib. milit.

x Cic. orat.  
Phil 3.

were personall or particular; there remaineth one which was generall, namely when the fault was generall, as in their uproares, conspiracies, &c. Vpon such occasions the souldiers were called together, and every tenth man vpon whom the lot fell was punished with that kind of cudgelling aboue spoken of; all the others escaped either without punishment or with very little. The punishment it selfe was termed *Decimatio legionis*, and the reason of this kinde of punishment is, rendred by Tully: *ut metus videret omnes, pena ad paucos perveniret*. Sometimes such was the clemency of the L. General that he would punish only the twentieth, nay the hundredth man, & then was it called *vicefimatio*, vel *centesimatio legionis*.

CAP. 6.

*De donis militariibus ob rem fortiter gestam.*

Concerning the rewards which were bestowed in war, some were by the Senate conferred vpon the L. General: others were by the L. General conferred vpon his souldiers. Those honours which the L. General receiued were three. First *Nomen imperatoris*, of which before. Secondly *supplicatio*, that is, a solemn procession continued for many daies together, sometimes more, sometimes fewer: all which daies the Roman people did observe as holy-dayes offering vp daily prayers and sacrifices to the Gods in the behalfe of their L. General. The custome being that after some notable victory, the souldiers hauing saluted their cheife capitaine (whom I call their L. General) by the name of *Imperator*, then would he send letters vnto the Senate dight with lawrell, wherein he required both that name to bee confirmed & approued by them, as likewise that they would *Decernere supplicationes*, that is, appoint such solemn supplications. Thirdly, they honored him at his comming home also with a triumph. *Triumphus vel maior, vel minor erat*, saith

M m

Alex.

*Alexander.* The lesser kind of triumph was properly called: *Ovatio* <sup>a</sup> *ab ovo*, from a sheepe, which in this time of his triumph was led before him, and afterward sacrificed by him: As also in the greater triumph (called properly *Triumphus*) the L. Generall sacrificed a bull. It differeth from the greater triumph first in the acclamation; for in the lesser triumph the souldiers following did as it were reduble this letter O, and some are of opinion that it was therefore called *Ovatio*. In the greater triumph the souldiers followed crying *Io triumphe, Io triumphe*: an example whereof may be scene in <sup>a</sup> *Horace*, where he describeth the triumph of *Bacchus*, the first author of this greater triumph; from whose <sup>b</sup> name also divers authors doe deriue this word *Triumphus*, hee being in greeke called *Θησαυρος* which by a little change is made *Triumphus*. Secondly they differed, because in the greater triumph, the L. Generall did weare a garment of state, called by some *Trabea*, <sup>c</sup> by others *Triumphalis Picta, vel Aurata vestis*; likewise a garland of lawrell, riding in a chariot, the *Senators* themselues with the best of the *Romans* meeting him, his souldiers with their coronets, their chaines, and other rewards following after: But in the lesser triumph the L. Generall did weare a plaine purple gowne without any gold imbrodering, and a garland of mirtle tree <sup>d</sup> commonly going on foote, sometimes permitted to ride on a horse; the gentlemen and commonaltie of *Rome* alone without the *Senators* did meet him. Moreouer for a perpetuall memory of this their triumph in some publike place certaine trophies were erected. <sup>e</sup> *Trophæum monumentum dixere nunc marmoræ, modo æneum, cum inscriptione & titulis ævo perpetuo duraturis.* <sup>f</sup> *Dicitur est inquit q̃dam dicitur id est, à conversione*, from making the enemies to retire and turne backe. Sometimes there were statues, columnes, and arches built in token of triumph. These arches though commonly they were knowne by the name of *Arce triumphales*, yet sometimes they are called *Fornices*, whence it is that *Tully* calleth *Fabians* triumphall arch.

<sup>a</sup> Salmuth, in Pancir. l. rerū deperd. cap. de triumph.

<sup>a</sup> Ode, 3. lib. 4.

<sup>b</sup> Salmuth, in Pancir. l. rerū deperd. cap. de triumph.

<sup>c</sup> Alex. Gen. diat. l. 6. c. 17.

<sup>d</sup> Dion Hal. car. lib. 5.

<sup>e</sup> Alex. Gen. diat. li. 1. c. 22.  
<sup>f</sup> Serv. Anei. lib. 10.

<sup>g</sup> Fr. Sylv. in orat. Cic. pro Cn. Planco.

arch *Fabianum fornicem*. If it so hapned that the *Roma*<sup>m</sup> Generall himselfe personally did take away any spoiles from the chiefe captaine of the enemies, then did hee hang them vp in a temple consecrated to *Iupiter Forctrim*; who was so called,<sup>b</sup> because as the *Romans* conceited without the speciall assistance of *Iupiter*, *Dux ducem ferire non poterat*: these spoiles had the name of *Optima spolia*, that is, Royall spoiles. The rewards bestowed vpon the souldiers were diuers: either places of office, as the place of a Centurion, of a *Præfatus*, a *Decurio* &c. or their pay was increased, the spoiles distributed amongst them, or lastly they receiued certaine gifts tearmed *Dona militaria*. In ancient times those souldiers which had best deserved, receiued a certaine measure of corn called by them *Adorea*; and hence it is, that *Adorea* is now vsed to signifie such laude and praise, as is due vnto a souldier. But after ages for the better encouraging of the souldiers, haue found out more honorable rewards, of which<sup>k</sup> these were the chiefe: *Armilla*, that is, a brace-let for the handwrest; *Torquis*, a chaine to weare about their necke; *Phalera*, horsetrappings; *Hastapura*, that is, a speare hauing no yron at the end of it, (it is sometimes called *Hastadonatica*, and *Hastagraminea*;) Lastly *Corona*, crownes, of which *A. Gell. lib. 5. cap. 6.* obserueth these to haue beene the chiefe: 1. *Corona triumphalis*, which in old time was made of Lawrell, but afterward of gold, and thence was it called *Corona aurea*: it was sent by the Senate vnto the L. Generall in honour of his triumph: Secondly, *Corona obsidionalis*, which was giuen by the souldiers vnto the Generall, when they were freed from a siege: it was made of grasse growing in that place, wherethey were besieged, whence it had the name also of *Corona graminea*. Now the reason why they made this crowne of grasse growing in the place where they were besieged, was thereby to yeeld vp their right in that place vnto their captaine: for by that ceremony, as *Pliny* obserueth, they did Terra & ipsa altitice humo & humatione c-

<sup>b</sup> Alex. Gen. diu. l. 1. c. 14.

<sup>i</sup> Alex. Gen. diu. l. 1. c. 8.

<sup>k</sup> Sig. de iure Rom. c. 15.

(Rosin. ant. lib. 10. c. 27.

<sup>m</sup> Plin. lib. 22. cap. 4.

*tiam cedere.* And hence it is, that in races & the like masteries, he that was overcome, did gather some of the grasse of that place, & giue it vnto the conquerour, as a token that he did acknowledge himselfe conquered; this is the reason of that Adage, *Herbū dare*, that is, to yeeld the victory. Thirdly, *Corona civica* which was bestowed onely vpon him, which had saued a citizens life, though in proceſſe of time it was also bestowed vpon the L. Generall, if hee spared a Roman citizen, when he had power to kill him. It was commonly made of oake; whence it was called *Corona quercnea*. And this I take to be the reason why in *Ovids* time the Emperour had alwaies standing before his gates, an oake tree in the midst of two lawrels, as Emblem denoting two worthy vertues required in all Emperours and Princes, first, such whereby the enemy might hee conquered; secondly, such whereby citizens might be saued. Vnto this *Ovid* seemeth to allude, speaking of the lawrell tree.

¶ Salmuth. in  
Pansit. l. rerū.  
deperd. cap. de  
coronis  
¶ Pigh. l. Ty-  
rannif.

¶ Ovid. Met.  
lib. Fab. 9.  
¶ Dion. Hali-  
car. lib. 10.

¶ *Postibus Augustis eadem fidissima custes  
Ante fores stabis, medianāq; tuerere quercum.*

Fourthly, *Corona Muralis*: ¶ Hee onely was honoured with this, which did first scale the wals, and enter first into the enemies city: and hence this crowne was put vpon the circle or top like vnto the battlements. Fifthly, *Corona Castrensis*. This the L. Generall bestowed on him, which first entred into the enemies tents; it did beare in it the resemblance of a bulwark or at least of the mound, wherewith the bulwarke was strengthened; which mound was called in Latine *Valium*, & thence the crowne it selfe was often called *Valeris corona*. Sixthly, *Corona naualis*, with which he was honoured, which first entred into the enemies ship in a battle vpon sea: it was portrayed with many ship-beakes called in Latine *Rostra*, whence the crowne it selfe was often called *Corona Rostrata*. That Roman *Heracles Sicrinus Dentatus* obtained almost all those severall rewards, and that each many times. Lastly, *Corona ovalis*, it was made of Mertle-tree, the L. Generall.

¶ Pigh. l. Ty-  
rannif.  
¶ A. Gel. no. 6.  
Artuc. l. a. c. 11.



nerall vsed it in the lesser kinde of triumphs called *Onustio-  
nes*, from whence the Coronet it selfe was named *Onaliu*. It  
was then bestowed when the Herald had committed some  
error in denouncing warre; or when the enimies conquered  
were of meane ranke and place, as Servants or Pyrats; or else  
if the victory were gotten without bloodshed or great ha-  
zard, the enimis eyeelding without resistance. *In quibus  
impulveris & incrementis victoris, aptum esse Ve-  
neris frondem crediderant, quod non Mar-  
tius, sed quasi Veneris quidam  
triumphus foret.*

FINIS.



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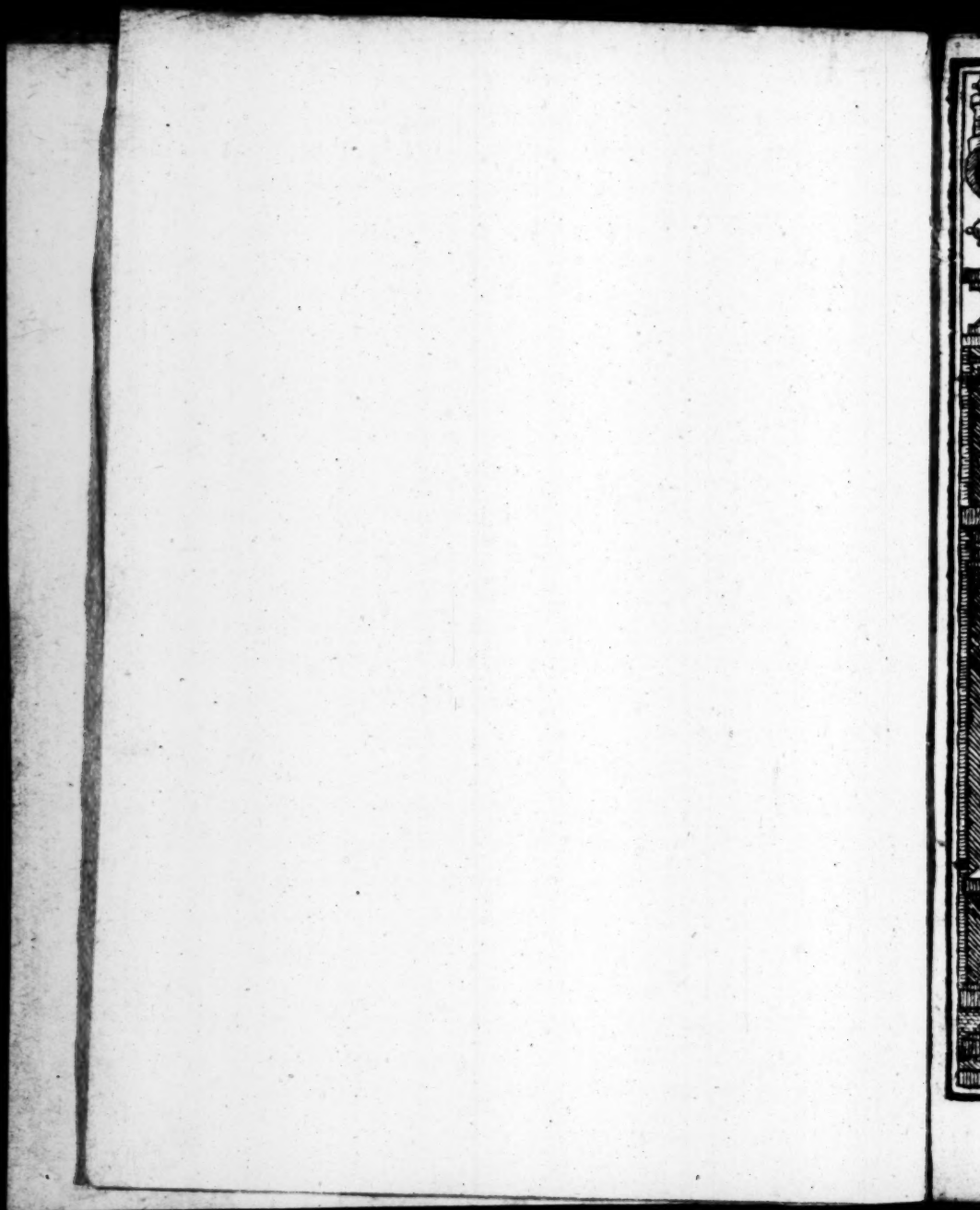
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ROMANÆ  
**HISTORIAE**  
**ANTHOLOGIA**  
RECOGNITA ET  
AVCTA.

AN  
ENGLISH EXPOSITION  
OF THE ROMAN ANTI-  
quities, wherein many Roman and  
English offices are perskeld  
and divers obscure phra-  
ses explained.

*For the use of ABINGDON Schools.*

Newly revised and enlarged by the  
*Author.*

OXFORD,  
Printed by John Lichfield for  
Henry Cripps.

A.D. 1633.  
J. SQUIRES  
LONDON

z Alex Gen.  
dier. lib. 2. c. 2.

y Plutarch in  
suis proble-  
mat. vid.  
Franc. Sylvi-  
um in Caci-  
nar. 4.

ever it was used as a treasure-house z yet divers Authors  
testifie that the Acts of their senate, the bookes of records,  
together with such bookes, as were for their immesurable  
bignesse, called *libri Elephamini*, wherein all the names of  
their Cittizens were registred, and also their military En-  
signes, were contained there, y And from those statute  
bookes called *tabula publica*, this treasury was also called  
*Tabularium*, because they were laid vp there.

## CAP. 16.

*Decampo scelerato.*

z Munster. in  
sua Cosmog.

a Plutarch. in  
Numa

**C***ampus sceleratus*, the field of execution z lying with-  
in the Citty, joyned to the gate *Collina*. It was the place  
where the Vestall Nunnes, if they were deflowred, suffered  
punishment after this manner. There a was made a Vault  
vnder the earth with a hole left open aboue, whereby one  
might goe downe; and within there was a little couch with  
a burning lampe and a few victualls whether the defiled  
Votary was to be brought, through the market-place, in a  
litter so closed vp with thicke leather, that her mournings  
might not be heard to the mouing of pittie. Shee being  
thus brought to the place of execution, was let downe by a  
ladder into the hollow Caue, & the hole presently stopped.  
And the reason why they suffered such a kind of death was  
because they thought it not fit, that shee should be burnt  
with fire, which kept not the sacred fire with greater sancti-  
ty. And it was thought vnlawfull to punish them by laying  
violent hands on them, because they had in former time  
served in so holy a function.

CAP.

## CAP. 17.

*De Campo Martio.*

**T**He <sup>b</sup> *Campus Martius*, otherwise called *Tiberinus*, <sup>b</sup> *Rosin antiq.*  
 (because it was neere the river *Tiber*) was giuen vnto <sup>lib. 6. cap. 11.</sup>  
 the Roman people, by *Caia Tarraia*, a Vestall Virgin: but  
*Tarquinius Superbus*, the last king of *Rome*, did take it from  
 the people, converting it to his owne private vse: insomuch  
 that he sowed corne there; which when he was deposed, the  
*Romans* did cast into the river *Tiber*, judging it vnfit that  
 any man should reap any commodity frō so holy a ground.  
 In proceſſe of time, the sheaues of corne being stopped in a  
 shallow foard of the river became firme ground, and was  
 called, *The holy Iland*, or *Æsculapius his Iland*, & present-  
 ly after the expulsion of *Tarquinius*, this *Campus Martius*  
 was restored vnto its former vse. Beside the naturall plea-  
 santnesse of the place it selfe, it was beautified with many  
 ornaments brought out of the *Capitoll* (the *Capitoll* being  
 too full) as likewise with diuers images of well deseruing  
 men. Hither did the younger sort of *Romans* come to exer-  
 cise Chivalry, namely the horse-race, the foot-race, wrest-  
 ling, fencing, casting the bowle, the sledg, the dart, vsing the  
 sling, the bow, vaulting, with such like; and vpon this occa-  
 sion it was dedicated to *Mars*. & called by *Strabo*, the *Ro-*  
*mans great schoole of defence*. <sup>c</sup> The manner of vaulting, was  
 in riding, to leape from one horse-backe vpon another, <sup>c</sup> *Cœl. Rhod.*  
 their cuitome being for their horse-men in warre, to lead a <sup>l. 21. c. 29. 30.</sup>  
 spare horse in their hands, besides that whereō they did ride,  
 that when the one did sweat, they leaped vpon the others  
 backe, *a desiliendo*, those horses were called *Equi desultorij*:  
 whence an vnconstant, wauering, and vnsetled mind, which  
*Seneca* calleth *Volaticum ingenium*, others haue called *De-*  
*sultorium ingenium*. In this field were men of best nore bur-  
 ned, when they died. Here were the kings, and other Ma-  
 gistrates,

<sup>d</sup> Servius in  
B ol, eclo, i. gistrates at first created. In this <sup>d</sup> field of *Mars* also was a place at first railed, like a sheep-pen, called therefore *Ovilia*, or *septa*; but afterwards it was mounted with Marble stone, beautified with stately walkes and Galleries, and also with a Tribunall or seat of justice, within which precinct the people oftentimes assembled to giue their suffrages toward the election of Magistrates. The meanes of ascending vp vnto these *Ovilia* was not by staires, but by many bridges made, for that time, every parish in the assembly of parishes, & every Tribe, or Ward in the assembly of the Tribes, & every hundred in the assembly of Centuries hauing his Bridge: whence this proverbe was occasioned, *de ponte deiciendum, id est*, hee is to bee barred from giuing his voice.

<sup>e</sup> Ioan. Saxo-  
nius in Orat.  
pro S. Roscio. These bridges were not made over any river but over the dry land: whence men were said to be cast, *Non ut periclitarentur de vita, sed ne suffragarentur in comitijs*.

## CAP. 18.

*De Circo Maximo.*

**A**Mongst other places where the Romans exhibited their plaies vnto the people, the most remarkable was the great Cirque, or shew-place, called in Latine *Circus Maximus*. It was a large peece of ground, lying neere that part of the *Aventine Mount*, where *Dianaes* Temple stood. It was built by *Tarquinius priscus*, with diuerse galleries round about it, from whence the Senators & Gentlemen of the City did behold the running with great horses at lists, the fire-workes, rumbling, the bayting and chafing of wild beasts, &c. In former time, all did stand on the ground, being sheltred fro the raine by the helpe of boards vpheld with forkes in manner of house-pentices: and this custome continued vntill the aforesaid *Tarquinius* erected those Galleries, called *Fori*, making thirty distinctions of them



them, allotting euery ward or company their seuerall quarters, all the seats being able to containe one hundred fiftie thousand parties. <sup>i</sup> Vnder these places were cels, or vaults, <sup>/ Rosin. antiq. lib 5. c. 4.</sup> where women did prostitute their bodies, and would buy stolne goods, and for this reason *Horas* calleth it *Fallacem circum*, *id est*, the deceitfull shew-place. There was at the one end of their cirque certaine barriers, *id est*, places barred, or railed in, at which place the horses began the race; and at the other end was the marke, whether the horses ran it was called in Latin *Meta*, and the barriers *carceres*, *a coerendo*, Whence we say *a carceribus ad metam*, *id est*, from the beginning to the ending.

## CAP. 19.

*De Theatro.*

**T**HE Theatre hath his name from the Greeke verbe <sup>g</sup> *θεωω*, *id est*, to behold: because the people flocked thither, to behold plaies and shewes exhibited to them. <sup>rar. in orat. pro L. Flaceo. b Servus lib. 2. Virg. Georg.</sup> The custome <sup>b</sup> first sprang from the shepheards, who leading a contemplatiue life, were wont to compose dialogues in meetre, & at their leasure to recite them vnder the trees pressed downe in forme of an arbor; whence this theatrall rearme <sup>ακνρη</sup>, hath beene deriued from <sup>ακτα</sup>, a shadow, but afterward learned Poets composed Comedies, and Tragedies, which were publicquely acted in the Citie vpon a stage: and although at the first it was counted infamous to frequent them, yet afterwards the Senatours themselves, yea the Emperour, and all the chiefe of *Rome* assembled thither. <sup>i Alex. Gen. diat. 15. c. 16.</sup> Neither for a long continuance were there any seats built, but Commons, and Nobles, promiscuously one with another, all stood on the ground: in somuch that those which stood behind, raised vp places with turfes of earth, which gaue the people occasion to call the place betweene those

turfes and the scaffold, *Cauea, id est*, a caue or denne: yea the people that stood there, were so called frō the place. Though the Theatre be now taken only for the stage; yet then by it was vnderstood the whole roome, where these playes were acted: and it had diuerse parts, some proper to the actors, some to the spectators. To the actors first belonged the *proscenium, id est*, the house, whence the players came: where they apparelled themselves, though sometimes it is taken for the scaffold, or stage it selfe: secondly, the *pulpitum, id est*, the stage or scaffold vpon which they acted: and thirdly, the *scena*, that is, the partition which was commonly made of wood not of hangings. Now that they might change their Scene

¶ Seruius, l. 3.  
virg. Georg.

according to their pleasure, they made it *ⁿ Verlatilem, id est*, so that with enginnes it might vpon the suddaine be turned round, and so bring the pictures of the other side into outward appearance: or otherwise *ductilem, id est*, so that by drawing aside of some wainscot shuttles (which before did hide the inward painting) a new partition might seeme to be put vp: and I thinke because those shepheards did act no more at a time than one of our *Scenes*, hence haue we distinguished our playes into so many parts, which wee call *Scenes*. The places which were proper to the spectators were distinguished according to their degree & ranck; for the remotest benches were for the *Commons*, & called *popularia*; the next for the *Knights* and *Gentlemen of Rome*; and called therefore *Equestris*, the others wherein the *Senators* did sit were commonly called *Orchestra*: this may be collected out of *ⁱ Lipsius, ⁿ Cael. Rhodiginus* saith, that the *Orchestra* was

¶ Lipsius de  
amphith. c. 14.  
ⁿ Cael. Rhod.  
lib. 8. cap. 8.

that place ioyning to the stage, where *Chorus* spake to the people at the end of every act. Diuerse authors are of *Cael. Rhod.* his opinion, deriuing the word *Orchestra*, from the Greeke *ὀρχήστρας*, to dance: but it seemeth more probable, to haue bin a peculiar place, allotted for the *Senators. In. Sat. 3.*

*Equales habitus illic similemq; vultibus*

*Orchestram, & populum--- id est, optimates & plebem.* The whole

whole building made for entertainment of the spectators, resembled a triangle or wedge, sharpe towards the stage, and broad behind: whence the whole was denoted by the name *Cuneus*; when *Cuneus* signified any particular place about the theatre, then by it we are to vnderstand that which formerly we call *popularia*, the place for the meaner sort of people, whence when we would point out a base and ignoble person, *Inter cuneos residere dictitamus*. There was also another kinde of scaffold, built quite round, made as it were of two theatres ioyned together, it was called *Amphitheatrum*, and differed from the Theatre, onely as the full moone doth from the halfe, or a compleat rundle from a semi-circle: it resembled an edge. Vpon this kinde of scaffold did the Masters of defence play their prizes, and wild beasts were baited. In *Amphi-theatro gladiatorij ludi, & conclusarum ferarum venationes exhibebantur*. The *Amphitheatre* it selfe in the judgement of *Lipsius* was tearmed *Cavea, ab interiore parte qua concave erat*; And *Arena* because it was strowed with grauell & sand, that the blood of such as were slaine in the place might not make the place too slippery for the combatants. Hence cometh that phrase, *In arenam descendere*, to go into the field: and the combatants were thence called *Arenarij*. Here we must note, that howsoever the *Amphitheatre* was strowed commonly with common & ordinary grauell, yet sometimes in their extraordinary shewes that grauell was couered & as it were new coated, with the scrapings & dust of some extraordinary stones, to adde the greater lustre vnto it: thus much *Pliny* intimateth, *Inuenere & alium usum eius lapidis, in ramentis quoq; Circum maximum sternendi, ut si in commendatione & candor*. Againe, sometimes the hollow places or dennes vnder the *Amphitheatre*, in which the wild beasts were kept, and likewise men to be committed with wild beasts, out of which the se were let loose by the lifting vp of trap-dores to be hunted or baited vpon the *Amphitheatre*, were called *Cauca*. For we must

*Cxl. Rhod. lib 8. cap. 8.*

*Turneb. ad. vers. lib. 5. c. 5.*

*Hosp. de. o. rig. fest.*

*Lip. de Amph. phich. c. & 3.*

*Plin. lib. 36.*

(Sueton, in  
Domitian,

know that the *Amphitheatre* was full of hollow passages for many reasons, as for the conuenient keeping of wilde beasts, and beaſtiaries; so sometimes for the better conueying of waters thither, by the meanes whereof <sup>c</sup>reall ships and sea-skirmishes were often times exhibited vpon the *Amphitheatre*.

## CAP. 20.

**M**oreouer for the better vnderstanding of classically authors it will not be impertinent to point at the generall names, by which the religious places were called: and to declare the proper acception of each name, the names being these, *Templum, Fanum, Delubrum, Aedes sacra, Pulvinar, Sacrarium, Lucus, Scrobiculum, Ara, Altare, Focus*.

*De Templo.*

<sup>a</sup> Rosin. Ant.  
lib 2. cap. 2.

<sup>c</sup> Lilius Gy-  
rald, de diis  
gentil. syntag.  
17.

<sup>d</sup> Li. 4. Æne-  
ad. v. 457.

<sup>e</sup> Fr. Silvius  
in orat. pro  
Muren.

This word *Templum* doth sometimes signifie those <sup>a</sup>spaces, and regions in the aire, & earth, which the *Augures* did quarter out with their crooked staffe at their south-saying. Sometimes it doth signifie a sepulchre or graue, <sup>c</sup>because in old times, men did superstitiously pray, and worship at the toombes and monuments of their deceased friends, as if it had beene in *Temples* or *Churches*, and in this sense may *Virgil* be vnderstood;

<sup>a</sup> *Præterea fuit antiquo de marmore templum.*

*Coniugis antiqui. ---*

Most commonly it doth signifie a *Church*, or *Temple*: in which sense as often as it is vied, it is <sup>c</sup>said a *templando*, from beholding; because when we be in the Church by lifting vp our hearts by a diuine contemplation, we doe, as it were behold the great maiestie of God.

*De Fano.*

It is also called *Fanum*, <sup>a</sup>*à fando*, from speaking: not from the speaking of the Priest, but because the people doe there speake vnto God, and God againe to the people. <sup>f</sup>Some are

<sup>f</sup> Turneb. ad,  
vest. lib. 3. c. 9.

of

of opinion that *Fannum* in proprietic of speech signified the Church-yard, or court before the Temple: *Templum* signifieth the edifice, or Church built.

*De Delubro.*

Thirdly, a Church was called, *delubrum Synecdochicū*, because it was the principall part of the Church, namely the place where their Idol-God stood; & it was called *delubrum* from *Deus*: & as we call the place where the candle is put, *candelabrum* from *candela*. As concerning the outward forme of the Churches, some were vncouered because they counted it an hainous matter to see those Gods confined vnder a rooffe, whose doing good consisted in being abroad; other some couered; some round, some otherwise: but within they much resembled our great Churches. They had their *prondon*, or Church-porch, whereabouts they were wont to haue the image of the beast *Sphinx*, which was so famous for his obscure riddles: so that by this Image was signified, that the oracles of the Gods, which were treated of within the Church, were darke and mysticall. They had certaine walks on each side of the body of the Church, which they called *porticus*: & in these places it was lawfull for them to marchandise, make bargaines, or conser of any worldly businesse; as likewise, in the *basilica* or Body it selfe. But their Quire called *Chorus*, was coued a more holy place, set a part only for diuine seruice. The manner of hallowing it, was as followeth.

<sup>b</sup> When the place where the Temple should bee built, had <sup>b</sup> *Rosin. Ibid.* beene appointed by the Augures (which appointing, or determining the place they called *Effari templa*, and *sistere Fanna*) then did the party, which formerly in time of need vpon condition of helpe from the gods had vowed a Temple, call together the *Aruspices*, which should direct him in what forme the temple should be built: which being knowne certaine ribbands, and fillets were drawne about the *area*, or plot of ground with flowers, and garlands strowed vnderneath, as it was probable to distinguish the limits of this ground



ground now to be hallowed. Then certaine souldiers marched in with boughs in their hands, and after followed Vestall Nunns leading young boyes, and maids in their hands who sprinkled the place with holy-water. After this following the Prætor, some Pontife going before, who after the *area* had beene purged by leading round about it a sow, a ramme and a bull, sacrificed them, and their entralls being laid vpon a turfe, the Prætor offered vp prayers vnto the Gods that they would blesse those holy places, which good men intended to dedicate vnto them. This being done the Prætor touched certaine ropes, wherewith a great stone being the first of the foundation was tyed: together with that, other chiefe Magistrats, Priests, and all sorts of people did helpe to pluck that stone, and let it downe into its place, casting in wedges of gold, and siluer, which had neuer beene purified, or tryed in the fire. These ceremonies being ended, the *Aruspex* pronounced with a loud voice, saying, *Ne temere tur opus, saxo, autone in aliud destinato, id est*, Let not this worke be vnhalloved by conuerting this stone, or gold, into any other vse.

*De Ædesacrâ.*

Fourthly, a Church was called *Ædes sacra*, an holy house, because of the sacrifices, prayers and other holy exercises performed therein. Although (as *Gellius* hath long since observed every holy house was not a Church. For the proper note of distinction betweene a Church, & a religious house was this, that a Church beside that it was dedicated vnto some God, it was also hallowed by the Augures, without which hallowing the edifice was not called a Church but a religious house: of which sort was the Vestall Nunnery, & the common treasure, called *Ædes saturni*. We may adde hereunto this word *Pulvinar*, which doth often signifie a Church: the reason being taken from a custome amongst the *Painims*, who were wont in their Churches to make certaine beds in the honour of their Gods, and those beds they called

*Pulvinaria*

i Barthol. La.  
tomus in Phi-  
lippic. 4. am.

*Pulvinaria* from *pulvis*, because they were filled with dust or chaffe.

*De Sacratio.*

Sometimes <sup>k</sup> *Sacrarium* signifieth a temple, though properly it signifieth a Sextry or Vestry, nempe <sup>l</sup> *Sacrorum repositorium*.

† Cic. pro Milone.  
! Franc. Syluius in orat. pro L. Mutia.

*De Lucis.*

Neere vnto diuerse Temples stood certaine groues dedicated to some of the Gods: they were called in Latine *Luci* à non *lucendo*, as diuerse say, by the figure *antiphrasis*. But others are of a contrary opinion, giuing it that name, because of the exceeding light it had in the night time by reason of the sacrifices there burnt.

*De Scrobiculo, Ara, & Altari.*

The places vpon which they sacrificed either in their religious houses, or their groues, were of three sorts, which we in English terme altars; but the Romans distinguished them by three seuerall names, *Scrobiculum*, *Ara*, and *Altare*.

*De Scrobiculo.*

<sup>m</sup> *Scrobiculus* was a furrow, or pit containing an altar in it, into which they powred downe the blood of the beast slaine, together with milke, hony, and wine, when they sacrificed vnto an infernall God.

<sup>m</sup> Alex. Gen. dier. l. 5. c. 26.

*De Ara.*

The second kinde of altar was called *Ara*, either *ab arendo*, because their sacrifices were burned vpon it: or from their imprecations vsed of that time: which in Greeke they called *αἶψα*. It was made foure-square, not very high from the ground, or as some say, close to the ground: and vpon this they sacrificed vnto the terrestriall Gods, laying a turffe of grasse on the altar: and this gaue *Virgil* occasion to call them <sup>n</sup> *Aras gramineas*, id est, grasse altars.

<sup>n</sup> Virg. Æn. 12.

*De Altari.*

The third sort was called *Altare*, either because it was exalted, and lifted vp some-what high from the ground; or because

cause

o Serv. in Bucolic, eclog. 5.

cause he that sacrificed (by reason the altar was so high) was constrained to lift vp his hands *in altum*, on high: and vpon this they sacrificed vnto their celestiall Gods onely.

*De Foco.*

*Focus* is a generall name, signifying any of these altars. So called a *foendo*: because as *Sernius* hath obserued that *is focus, quicquid fouet ignem, sine ara sit, sine quicquid aliud, in quo ignis fouetur*. But in strict propertie of speech, it is taken for that altar on which they sacrificed to their domesticke Gods, such as were their *Penates* or *Lares*. As it appeareth

p Aulular. ad. by *Plautus* P:  
2, Sc. 5.

*Hac imponentur in focum nostro Laris*

*Ut fortunatas faciat gnata nuptias.*

Whence ariseth that Adage *Pro aris & focis certare*, sounding as much as to fight for the defence of religion and ones priuate estate; or (as our English prouerbe is) for God and our Country; the prouerbe being in this originall, part of the oath that was administred vnto the Romane Souldiers: and thus it is expounded by *Turnebus*.

q Turneb. Ady.  
lib. 10, c. 7.

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*LIB.*

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LIB. I. SECT. 2.

*The generall divisions of the Romane people.*

CAP. I.

*De populo Romano, & eius prima divisione.*



Hus having premised a short Treatise concerning the first situation of *Rome*, and the most remarkable parts thereof, I purpose to proceed to the inhabitants, which antiquity hath stiled *Cittizens of Rome*. And *Erasmus* rather describing a *Romane*, then defining him, saith, A *Romane* was graue in his conversation, severe in his judgement, constant in his purpose: Whence *Cicero* in his *Epistles* often useth this phrase, *More Romano*, for *ex animo*, *id est*, vnfaignedly. <sup>a</sup> *Sigonius* rendring the definition of a *Roman* citizen, averreth that no man is *lege Op-* *timâ*, *id est*, in full and compleat manner a cittizen of *Rome*, but he which hath his habitation there, which is incorporated into a Tribe, and which is made capable of cittiy preferments. By the first particle those which they tearme *manicipes*; by the second those which they call *Inquilini*; and by the third those which they call *Libertini* are in a man-

<sup>a</sup> Sig de iure  
Rom. l. i. c. i.

ner disfranchised. But whereas *Sigonius* saith that they must haue their habitation at *Rome*, hee would not be so vnderstood, as if a *Roman* cittizen might not remoue his habitation to any other country: For, saith he, a *Romane* citizen may be as long absent from *Rome*, and the fields belonging to *Rome*, as he please, so that he suffer himselfe to be sessed and taxed in common with others toward the subsidy payments, & denyeth to be incorporate into another city. For *T. Pomponius* was a true cittizen of *Rome*, though he dwelt at *Athens*. The *Romane* cittizens being by these priuiledges as by a more proper and peculiar character distinguished from other people; and being planted in the city according to the appointment of *Romulus* their King, it seemed good vnto him to diuide them into <sup>b</sup> Tribes, not taking the note of distinction only from the diuerse places they the inhabit, as we read that *Servius* the sixt king of *Rome* did, making therefore foure tribes <sup>romulæ</sup>, locall, namely *Suburanam*, *Pallatinam*, *Collinam*, & *Esquilinam* (which number of locall tribes in proceſſe of time increased vnto the number of 35) but diuiding the according to their severall nations, which at the first were *donati civitate*, id est, made free denizens of *Rome*: and they being in number three. 1 The *Sabines* which were named *Tatenses*, from thir King *Tatius*. 2 The *Albanes*, called *Rhamnenses* from *Romulus*. 3 Other nations promiscuously flocking out of other countries to the *Roman Asylum* placed in a groue called in Latine *Lucus*, which gaue *Romulus* occasion to name the *Luceres* he made in all three tribes, <sup>tribus</sup> *tribus* or nationall. After that *Romulus* had thus diuided the whole body of the *Romans* into three Tribes, hee then subdivided each tribe into ten lesser numbers, which he called *Curia*, or parishes: & then followed five other divisions in respect of their different degrees, and callings: of which in their severall order.

<sup>a</sup> Sigon. de jur  
Rom. l. 1. c. 3.

CAP.



C A P. 2.

*De prima divisione Romanorum in Senatores sine  
Patres, Patricios, sine Patronos, & Ple-  
beios, sine Clientes.*

**T**He first division of the *Romans* in respect of their degree, and place was this. The elder, wealthier and gravest sort of *Romanes*, were called sometimes *Patricij*, either because of their age, and gravity; or because they had many childrē (for great priviledges were granted vnto fathers of three children:) and sometimes *Patroni*, because they were as patrons, and fathers in helping & assisting the causes of the common people seeking to them. The yonger, poorer, and simpler sort were called, as they had relation to the *Patricij*, *Plebeij*, *id est*, the commons; as they had relation to their *Patroni*, they were named *Clientes*, *id est*, Clients: betweene whom there was such a mutuall, and reciprocall entercourse of loue, & duty, that as their *Patrons* were ready to protect their Clients, so the Clients were bound with all faithfulnessse to cleave vnto their *Patrons*: & that not only to credit thē with their attēdance in publike assemblies, but to disburie out of their own purses towards the bestowing of their daughters, the paying of publike mulcts, the giuing of largesses in suing for offices, &c. Neither was it lawfull for either of them to enforme, to depose, to giue their voices, or to side with adversaries one against another without the guilt of treason: for which crime of treason they were *disinfensis devoti*, *id est*, curied to hell, & the law gaue liberty for any man to kill them. Out of the *Patricij* did *Romulus* elect 100 counsellors to assist him in determining matters cōcerning the common-weale: to these did *Romulus* after adde another 100. & *Tarquinius Priscus*, as divers Authors testifie, made them a compleat 300. which they called *Patres*, or

*Lazius de  
Repub. Rom.  
lib. 12. cap. 3.*

d Martyn. Phi-  
liticus in Cic.  
L. 1. Ep. fam. 1.

e Alex. Gen.  
dier. 2. c. 29.

*Senatores*, and their sonnes *Patricij*. But in proceſſe of time the commons alſo were eligible into a *Senators* place. Some ſay that *Tarquinius Priſcus* added the ſecond hundred to the Senate out of the commons, d who were called *Senatores minorum gentium*, id eſt, *Senators* of the lower houſe. *Brutus* added the laſt 100: & made them 300, at what time they began to be called *Patres conſcripti*. And this accordeth with *Ioannes Roſa* in his Epitome of the *Roman* hiſtory, in his *Ch. de Regibus Romanis*: where he ſaith, that *Tarquinius Priſcus* did double the number of the *Senators*: And likewiſe e *Alexander Neop*: ſaith, that *Brutus* made them a compleat 300.

## C. A. P. 3.

*De ſecunda diſiſione Romanorum in tres ordines, Senatorium, Equeſtrem, Popularem, ſeu Plebeium.*

A Frer that through *Tarquinius Superbus* his tyranny; the very name of a King became odious to the *Romans*, not only the preſent King was exiled, but the authority of a King ever afterward deteſted & perpetually abrogated: ſo that the office, which was before monarchicall then was divided betweene two, called *Conſulls*: neither were they admitted for any longer ſpace then one yeare. At which time of change, the *Romans* were divided into three orders, or ranges, 1. into *Senators*, of whom before. 2. into *Gentlemen*, called of the *Romans*, *ordo Equeſtris*: by which we doe not vnderſtand thoſe 300. *Celeres*, id eſt. *Penſioners*, called ſometimes *Equites*, for that was a place of ſervice, this a title and token of gentility. Who although they were inferior to the chiefe Senate, yet they were of great eſteeme among the *Romans*: and although they might not weare the ſame robe as the *Senators* did, namely the *laticlavium*, or garment beſtudded with flouriſhings of purple ſilke in manner of broad naile heads; f yet they might weare the *angusti-*  
*clavium*.

f Roſa. Antiq.  
l. 1. cap. 17.

*The generall division of the Romane people.* 29

*claviu*m, a garment differing from the former only in this, because the purple studdes, wherewith it was purified was narrow, and not so large as the *lati claviu*m. They also at the time of their electio receaved from the *Censors* an horse called by them *equus publicus*, because of the yearly allowance out of the common treasury to keepe him: it was also called *equus militaris*, because of their service in warre: they hauing their horses kept as well in peace as warre. They receaved also a gold-ring,<sup>b</sup> whereby they were distinguished from the populacy: for it was not lawfull for any to weare a gold-ring vnder the degree of a *Senator*, or a Gentleman. The estimation and value of a *Senators* estate<sup>i</sup> vntill *Augustus* his time was *sestertia*, that is, 6000<sup>l</sup>.<sup>k</sup> Of a Gentlemans estate it was *quadrugenta sestertia*, that is, of our English mony 3000<sup>l</sup>, 3. The third order, or degree in the Roman common-wealth was *Populus*, the populacy, or commons, which should exercise trading, manure the ground, look vnto the cattle, &c. Where by the way wee must vnderstand that the baser sort of the *Romans*, which did wander vp and downe, to and fro, not settling themselves to any vocation, were not contained within this division, for vnto them there was no name vouchsafed: but according to the Poet they were *sine nomine turba*; or as *Livy* saith, *ignota capita*, men of no account, and therefore of no name.

<sup>g</sup> Lipsius de magnitud. Rom. l. 1. dial. 5  
<sup>b</sup> Alex. Gen. dic. l. 5. c. 29.

<sup>i</sup> Suet in August. cap. 22.  
<sup>k</sup> Plin. lib. 33.

CAP. 4.

*De tertia divisione in Nobiles, Novos,  
& Ignobiles.*

**T**His division was taken from the right or privilege of hauing images; for they were accounted Noblemen, which had the images of their predecessours: Those which had their owne images only were called *Novi*, *id est*, late-coyned nobles or vpstarts. *Salust* vseth this

word often in the disgrace of Tully calling him *Novum & reptitum civem*, one that lately crept into the city. The third sort called *ignobiles* were those that had no images, neither of their predecessors, nor of themselves. Before we proceed, we must understand, that it was not lawfull for who would to have his owne image if he so desired; for none might be thus privileged, but those alone to whom the right of riding in a Curule chaire belonged; and to these the right of images was permitted, as well for the credit of their house, as to incite others to the like achievements, when they would consider the diverse ceremonies used vnto these images in an honourable remembrance of those who they did represent. Whence it followeth, that *Ius nobilitatis* is nothing else but *Ius imaginis*: inso much that this word *Imago* doth oftentimes signify Nobility: & the right of having Images with them, was the same as the right of having armes with vs.<sup>m</sup> The superstitious conceipt which the Romanes had of these images was such, that vpon festivall daies and all occasions of joy and mirth, those images should be beautified and adorned with garlands and flowers; vpon occasion of griefe & mourning they would take from them all their ornaments, making them in a manner to partake of their mourning. Some they kept in their private closets, <sup>n</sup> others they exposed to the publike view of passengers, placing them in the gates of their houses together with the swords, targets, helmets, shipbeakes, and such other spoiles as formerly they had taken from their enemies; <sup>o</sup> which it was not lawfull for any, though they bought the house so much as to deface. Yea they were so annexed to the freehold that they passed alwaies in the conveyance of the house. The matter of which they were commonly made was waxe, as that of *Iuvenall*, doth sufficiently witness.

Sig. de jur.  
Rom. l. 2. c. 20.

*m* Alex. Gen.  
dier. l. 5. c. 24.

*n* Barth. Lato.  
in Verrin 7.

*o* Plin. 35. 2.

*p* Iuv. Sat. 8.

*p* *Tota licet veteres exornent undiq; cere*

*Atq; nobilitas sola est atq; unica virtus.*

Againe we may not thinke that they made in waxe a compleat

*The generall divisions of the Romane people.* 31  
pleat statue or a full portraiture of the whole body, but only  
from the shoulders vpward.

CAP. 5.

*De quarta divisione Romanorum in Optima-  
tes & Populares.*

**T**His fourth division of the *Romanes* hath bin occa-  
sioned through the faction & siding of the cittizens.  
Those (according to the description of *ully*) were *Optimates*, *id est*, the best cittizens, who desired their actions  
might be liked, and approued by the better sort. Those *Populares*, *id est*, popular, who through desire of vaine-glory,  
would not so much consider, what was most right, as what  
should be most pleasing vnto the populacy. So that hereby  
this word *popular*, we vnderstand not the commons, as for-  
merly we did, but be he Senator, Gentleman, or inferiour, *Geor. Meru-*  
if he doe more desire that which shall be applauded by the  
major part, then that which shall be approued by the better  
part, him the *Romanes* called *Popular*, *id est*, such a one, that  
preferreth the popular applause before the right. *la in orat, pro  
ligario.*

CAP. 6.

*De quinta & vltima divisione Romanorum, in Liber-  
tos, Libertinos, & ingenuos: item de  
Manumissione.*

**T**He difference of the freedoms in the City of *Rome*  
hath giuen occasion of this division: For he, or shee  
that had served as an apprentice, and afterward was  
manumized, was named *Libertus*, or *Liberta*. The son whose  
father, & mother were once apprentices, was called *Libertinus*,  
but that sonne whose father and mother were both li-  
bertines



Justin. inst.  
lib. i. tit. de In-  
geniis. vid.  
Franc. Sylv. in  
Caciliat. 4

bertines, or both free-borne, & yea whose mother only was free, was called *Ingenuus*, id est, free-borne. But after *Appius Cacus* his Censorthip, then began *Liberti* & *Libertini* to signify one and the same degree of freedome: so that *Liberti* & *Libertini* were taken for those which serued for their freedome, and *Ingenui* were taken for those which were free-borne, whether their parents were *Liberti* or *Libertini*. Here is occasion giuen vs to consider the māner of their freedome, and such ceremonies which belonged therevnto. The freedome of the city of Rome was three waies obtained: first by birth, both or at least one of the parents being free and such were called *cives originarij*. Secondly by gift and cooptation, when the freedome was bestowed on any stranger, or natiō, and they were termed *civitate donati*: and so we read that *Caesar* tooke in whole nations into the freedome. Lastly, by manumission, which was thus: when as the servant was presented by his master before the Consull or Pretor, the master laying his hand vpon his servants head, vsed this forme of words, *hunc liberum esse volo*, and with that turning his servant round & giuing him a cuffe on the eare hee did *emitte- re servum e manu*: the Pretor then laying a certaine wand or rod called *Vindicta*, vpon the servants head, replied in this manner *Disco eum liberum esse more Quiritum*. The lictor or sergeat taking the wand did strike therewith the servant on the head, and with his hand he stroke him on the face and gaue him a push in the back, & after this he was registred for a freeman. Moreover the servant hauing his head shauen purposely at that time receiued a cappe as a token of liberty; whence *ad pileum vocare aliquem*, is to set one at liberty, as likewise *vindicta liberare*. According to *Tertullian* at this time of their manumission the servants receaued from their masters, a white garment, a gold ring & a new name added vnto their former. Whose authority if we admit, then the ha- ving of three names among the Romans was rather a signe of freedome then of Nobility. And that of *Iuuenal*,

¶ P. Ramus in  
orat pro C.  
Rabirio.

¶ Tert. de re-  
sur. carn.

Tan.

*Tanquam habeas tria nomina---*

Is not to be expounded, as if you were a noble man, but as if you were a free-man. Here we may also consider the two severall kinds of servants: the first were called *serui*, and they could neuer attaine to any freedome, without the consent of their master. For those that were thus *serui* were commo. x Dion. Hall. ly captiues, either bestowed as a reward vpon this or that car. lib. 4. souldier, or bought *sub corora*, or of other Citizens that had gotten them one of those two former waies: the second were called properly *nexi* & *addicti*, because though they were free, yet by reason of their debt, *addicebantur*, that is. they were deliuered vp vnto their creditors by the Prator to worke out the debt, so that after the payment thereof, either by mony or worke, they did recouer their liberty: whence they were said *nomina sua liberare*, when they paid the debt: as on the contrary they were said, *nomina facere*, when they became in debt. And their creditors when they sued for the payment were said *nomina exigere*: *nomen* in these and the like places signifying as much as *debitum* a debt, because the creditors did vse to write downe their debtors names. a Fr. Sil. in epi. virorum illust. l. 1. epi. 6. b Vid. Cel. Rodig. l. 12. c 20. Item A. Gel. lib. 2. cap. 1. The manner of suing for their debts was as it followeth. The debt being confessed, thirty daies were allowed the debtor for the payment of the mony (those daies of respite they called *dies iustos*, velut *iustitium quoddam, id est, iuris inter eos interstitutionem & cessationem*.) The mony not payd, the debtor was deliuered vp as a servant to his creditor, yea hee was sometimes cast into prison, and vnlesse the creditor were in meane time compounded with, he remained three-score daies in prison, & three market-daies one after the other being brought before the Iudge, the debt was solemnly proclaimed, and vpon the third market-day, he was either sold to forrainers for a slave or else was punished with death, each creditor being suffered if hee would to cut a peece of his dead body in stead of payment.

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LIB. I. Sect. I.

*The generall divisions of the Romane Gods.*

CAP. I.

*De dijs.*

**T**Hough *Satan* had much blinded the hearts of men in old time, yet was not the darknesse of their vnderstanding so great, but that they did easily perceiue, and therefore willingly acknowledge, that there was some supream gouernour, some first mouer, as *Aristotle* saith: some first originall of all goodnesse, as *Plato* teacheth. So that if any made this question, whether there was a God or no? hee should bee vrged to confesse the truth of that rather *argumento bacillino, quam Aristotelico*, rather with a good cudgel, then with any long dispute. But as they were most certaine, that there was a God, so were they againe very blind in discerning the true God: and hence hath bene inuented such a tedious catalogue of Gods, that as *Varro* averreth, their number hath exceeded thirtie thousand, and proued almost numberlesse. Wherefore I shall omit to make any distinct treatise of the Gods, intending *obiter*, and by the way to speake of them, which either had Priests, or sacrifices instituted for them. Onely I purpose to shew what is vnder-

stood by those generall distinctions of the Gods, which di-  
vers authors haue used, *Tullius lib. 2. de legibus* reduceth all vn-  
to three heads, Gods celestially, which *Varro* calleth select,  
and others haue styled Gods *maiorum gentium, id est*, of the  
greater nations, because their power was greater than the

<sup>a</sup> Alex. Gen.  
dier. l. 6. c. 6.

others <sup>a</sup> *Alexander Neapolitanus* saith, that twelue of these  
were the *Penates*, which *Aeneas* did take forth with him at  
the destruction of *Troy*. *Ouid* calleth them *Deos nobiles*,  
noble Gods: others call them *Deos consentes, quasi consen-*  
*sentes*, because *Iupiter* would doe nothing without the con-  
sent of all. *Ennius* hath deliuered them in this distich,

*Iuno, Vesta, Minerva, Ceres, Diana, Venus, Mars,  
Mercurius, Iouis, Neptunus, Vulcanus, Apollo.*

<sup>b</sup> *Seruius* in  
lib. *Georgic.*

The second sorts of Gods were called *Semidei, id est*, Demi-  
gods, also *Indigetes, id est*, Gods adopted, or canonized; men  
deified. For as the select Gods had possession of heauen by  
their owne right; so these Gods canonized had it no other-  
wise than by right of donation, being therefore translated  
into heauen, because they liued as Gods vpon earth: but be-  
cause their merit was inferior, and could not parallel the de-  
serts of the Gods select, therefore were they called Gods of  
inferior note. <sup>c</sup> *Seruius* would haue these called *Dini*: ob-

<sup>c</sup> In *Æneid.*  
lib. 5.

seruing this difference betweene *Dij* and *Dini*, that *Dij*  
should signifie those which had bene Gods perpetually, but  
*Dini* should signifie men made Gods, though commonly  
they are used one for another. Whence they called all their

<sup>d</sup> *Robin. Ant.*  
lib. 3. c. 18. vid.  
*Hospiniam* de  
orig. *Christ. F.*  
p. 21. Vid. ex-  
emplum huius  
consecrationis  
in *Seueri* se-  
pultura *Hero-*  
*dian.* lib. 4.  
p. 398.

Emperours *Dini*, because for their deserts they thought  
them worthy to bee Gods. Now the <sup>d</sup> manner how a man  
became deified was this: The party to be canonized being  
dead, a pile of wood was made in forme of a great tent, or  
tabernacle, with three other lesser tabernacles one vpon top  
of another, the lowermost hauing in it dry combustible  
matter, but in the outside adorned richly with gold, luory  
and painted tables: Hither the dead corps was to be carry-  
ed with great solemnities; the Senate, the Gentlemen, and all  
the



the chiefe magistrats going before, with hymnes and songs, and all kinde of honour, which was to be performed euen to the Gods themselves. He being in this manner brought, and laid within the second tabernacle, the fire was kindled, by him who was to succeed in the Empire, for I finde none canonized but onely Emperours at their decease forthwith at the kindling of the fire, a liuing eagle was let fly from the top of the tabernacle which was supposed to transport the soule of the dead body into heauen, in so much that euer after he was canonized amongst the Gods, & worshipped as a God. And because they were thus turned into Gods, some haue called them *Deos animales*, *quoniam anima humana vertebatur in Deos*. This canonization was by the Greekes <sup>e</sup> *Serv. in Æn.* termed *ἀνθρώπων*, by the Latines *consecratio*. The third lib. 3. sort were thoe morall vertues, by which as by a ladder men climed into heauen: and therefore did men stile them Gods, because by their meanes men became deified. Late writers perceiuing that all the number of the Gods could not bee reduced vnto these three heads, haue added a fourth sort which they <sup>f</sup> call *Semones*, *quasi semi-homines*, <sup>f</sup> *Rosin. antiq;* because ancient writers, as *Rosinus* hath obserued, called lib. 2. c. 19. men *hemones*, not *homines*. In which point I shall willingly condescend vnto him; but I shall leaue to the iudgement of others, to determine how iustly he hath restrained the Gods *minorum gentium*, of the lesser nations, onely vnto this last classis: whereas my opinion is, that the demy-Gods, the morall vertues which haue beene styled Gods, and these *semones*, may all of them be called Gods of the lesser nations standing in opposition with the Gods select, which are called Gods of the greater nations. But that wee may vnderstand what is meant by these *Semones*, we must remember that by them are signified vnto vs not those Gods, which do appertaine to man himselfe, but to the necessities of mans liuing, his victuals, his cloathing and the like: not to the being of a man but to the well being of him, of which sort is *Iulius*, *Fortuna*, with others. We read likewise of other names

giuen in common to diuers Gods, not as opposite members of a diuision, but as notes of distinction drawne from the diuerſity of helpe, which they ſeuerally did afford vnto mā. In this reſpect ſome were called *dij patry*, or *tutelares*, ſuch as had vnder taken the proteſtion of any City or Towne which opinion had ſometimes beene entertained by our Engliſh-men, & thence haue riſen theſe & the like ſpeeches *S. George* for England, *S. Denis* for France, *S. Patricke* for Ireland, &c. And the Romans being fully perſwaded of the truth thereof, whenſoeuer they went about to beſiege any towne, by certaine enchantments, or ſpells they would firſt call out theſe Tutelar Gods; becauſe they deeme it matter impoſſible to captiuat the Citie, as long as theſe Gods were within; or at leaſt they thought it a crime vnexpiable to take the Gods as priſoners, and leaſt other nations might vſe the ſame meanes in beſieging Rome, therefore, & as diuers authors haue thought, the true name of the Romane Citie was neuer knowne, leaſt thereby the name of their Tutelar God might be deſcryed. Others namely the *Tyrians* haue tied faſt their God *Hercules* with a golden chaine, thereby the more to ſecure themſelues of his reſidence among them.<sup>b</sup> Others haue beene called *Dij communes*, namely *Mars Bellona*, and *Victoria*, becauſe in time of war they are not bound to either ſide: but ſometimes they helpe one ſide and ſometimes the other. And as they ſuppoſed ſome Gods to haue the proteſtion of whole countries, ſo did they beleue that others had the charge of particular men; and that ſo ſoone as any man was borne, two ſpirits did preſently accompanie him inuiſibly, the one termed the *bonus Genius*, or good Angel, perſwading him to that which ſhould be good; the other called the *malus Genius*, or euill Angel, tempting him to that which ſhould be hurtfull; inſomuch that they thought all the actiōs of men to be guided by theſe Angels called *Genij*; ſo that if any miſfortune befell a man, they would ſay that the matter was enterpriſed *Dijſ iratis*, *id eſt*, our *Genium* being diſpleaſed with v.

Virid

g Syluius in  
epiſt. virorum  
illuſtrium.

b Alex. Gen.  
dier. l. 6. c. 4.

Virgil calleth these bad angels *Manes*, as it appeareth by that,  
*Quiq; suos patitur manes, id est*, Every man hath  
 his euill Angell, *id est*, some misfortune. These *Genij* were  
 thought to be a middle essence betweene men & Gods: They  
 are therefore called *Genij*, because they haue the tuitiō of vs  
 so soone, as we are *Geniti, id est*, borne, it is most certain that  
 old authors vsed *Geno*, for *Gigno*, whence <sup>i</sup> Tully saith, *Si mi-*  
*hi filius genitur.* & <sup>k</sup> Varro *Antequam genat filiusq;*, although  
 euery place had also his *Genius*, as hereafter shall appeare.  
 This opinion was the more confirmed by a vision which ap-  
 peared vnto <sup>l</sup> Brutus in Asia neere vnto the time of his death,  
 for Brutus watching vpon a certain night in his pauiliō, the  
 candle being neere spent, saw a fierce tragically person ap-  
 peare vnto him, somewhat bigger then a man, & he presently  
 being of an vndaunted spirit, demanded whether he were a  
 God or a man? To whom the vision answered, *Brutus* I am  
 the euill *Genius*, which haunteth thee, thou shalt see me at the  
 City *Philippi* againe, and the same vision appeared vnto him,  
 as he was fighting at *Philippi*: which was the last fight that  
 euer he fought. And because *Inno* was wont to be inuocated  
 in the time of Childe-birth, therefore many haue thought  
 that euery man hath not his two Angels but one Angel, & *In-*  
*no* to obserue him, but it is agreed vpon by best authors, that  
 as the angels or spirits w<sup>ch</sup> did attend men were termed *Ge-*  
*nij*: so those which guarded women were termed *Inuones*.  
 This *Gemus*, as often as he is vnderstood for the good or e-  
 uill Angell, which hath charge of a mans body, is painted in  
 forme of a man as we read did appeare to Brutus; though  
 sometime he is painted as a young boy, sometime as an old  
 decrepite man, <sup>m</sup> but alwaies with a crowne of plane tree,  
 which therefore was called *Genialis arbor*, in the right hand  
 he held a platter ouer an altar garnished with flowers: in the  
 left he held a scourge hanging downe. The sacrifice that was  
 performed vnto the *Genius* was wine, & flowers: where vpon  
 (as if by wine & fragrant odors, were signified all kinde of  
 plea-

<sup>i</sup> Cic. lib. 2. de  
 orat.

<sup>k</sup> Varro Rei.  
 Rust. lib. 1. c. 31.

<sup>l</sup> Plut. in Brut.

<sup>m</sup> Rosin. ant.  
 lib. 3. cap. 14.